

GAHC010129682024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./753/2024

PAPPU RAY
S/O RAJU RAY
R/O VILL- NAVRATANPUR
INDRA NAGAR, ROAD NO. 7-B,
P.S. KANKARBAGH
DIST. PATNA, BIHAR.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. R. THADANI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

27.06.2024

Heard Mr. R. Thadani, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This application filed under Sections 482 of the Code of Criminal Procedure, 1973 *read with* Section 397/401 of Cr.P.C. praying for quashing and setting aside of the order dated 13.06.2024 passed in petition No.1972/24 arising out of B.A. Case No. 184/2024 thereby, rejected the prayer for modification/altercation of the condition of the bail allowed vide order dated 06.06.2024 passed by the learned Additional District & Sessions Judge No.1, Kamrup (M), Guwahati in connection with Guwahati, GRPS Case No.96/2024 registered under Sections 20(b) (ii) (B)/29 of the NDPS Act, 1985.

It is submitted by the learned counsel for the petitioner, Mr. Thadani that the present petitioner was arrested in connection with Guwahati, GRPS Case No.96/2024 registered under Sections 20(b) (II) (B)/29 of NDPS Act. However, as per order dated 06.06.2024, the petitioner was allowed to go on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) only, with two sureties of like amount and one of the surety must be a Government Servant of the State of Bihar. He further submitted that the petitioner was unable to comply with the bail condition of submitting surety as he does not have any person in his family or relatives who is a Government employee employed with the State of Bihar. Thereafter, the petitioner filed an application before the Trial Court for modification of the bail condition passed on 06.06.2024, but, the same was rejected vide order dated 13.06.2024. Hence, the instant petition has been preferred by the petitioner, praying for modification/altercation of the bail condition dated 06.06.2024.

In this regard, Mr. Baruah, learned Additional Public Prosecutor has submitted that the accused/petitioner being the resident of Bihar, it will be difficult on the part of the learned Trial Court to secure his attendance before the Court on each and every date fixed and thus, there is no infirmity in the order passed by the learned Trial Court by rejecting the prayer of alteration/modification of the condition of bail passed on 06.06.2024.

Considering the submissions made by the learned counsels for the both sides, I have perused the case records as well as the impugned orders dated 06.06.2024 and 13.06.2024, it is seen that the accused/petitioner was granted with bail, but he could not arrange one government servant as per the bail condition dated 06.06.2024 and hence he is still in jail hazot. Thus, considering the entire aspect of the case, I find it appropriate to modify the bail condition passed on 06.06.2024. Accordingly, the bail condition passed on 06.06.2024 is modified by allowing the petitioner to go on bail by furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) only, with two local sureties of like amount, and one surety from the State of Bihar having the landed property. Further, the learned Trial Court is hereby directed to procure the photocopies of the land document, Aadhaar Card and Pan Card of the said bailors for securing the attendance of the accused/petitioner.

With the above observation and direction, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant