

GAHC010137282024



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

Case No. : Bail Appln./1993/2024

GOURI SHAKAR SAHU
S/O LATE SHIV NATH SAHU, R/O VILL- PRATAPGARH TE LINE NO. 20, P.S.-
BISWANATH CHARIALI, DIST- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : B BURAGOHAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 23.07.2024

Heard Mr. B.Buragohain, learned counsel for the petitioner as well as Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioner, namely, **Gouri Shankar Sahu** has prayed for grant of bail in connection with **Biswanath Chariali P.S. Case No.113/2024** under Sections 20(b)(ii)(B) of NDPS Act r/w Section 4 of Assam Ganja and Bhang Prohibition Act.

The learned counsel for the petitioner submits that 4.81 kgs of granja was recovered from the

possession of the petitioner which falls in the intermediate quantity under the NDPS Act. The petitioner has been in judicial custody for last 55 days. The petitioner is around 65 years of age and as such, considering length of detention, the petitioner may be enlarged on bail.

The learned Addl.P.P. has produced the case diary without the FSL report.

Having heard learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it appears that the petitioner is in judicial custody for last 55 days and considering length of detention, further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Biswanath**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge (NDPS Act), Biswanath** without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant