

GAHC010138942024



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

Case No. : Bail Appln./2039/2024

SURAJ BASUMATARY AND 4 ORS.
S/O SUKURAM BASUMATARY, R/O HOUSE NO. 56, SIALMARI VILLAGE,
P.S.-DUDHNOI, DIST- GOALPARA, ASSAM

2: NOLAN BASUMATARY
S/O UPEN BASUMATARY
R/O WALFORD COLONY
P.S.-DIMAPUR
NAGALAND

3: TIMOTHY SANGMA
S/O HEBEL SANGMA
R/O AHOMONIGAON
P.S.-BORPATHAR
DIST-KARBI ANGLONG
ASSAM

4: JOUTRIKA SHYAM
S/O BONGSHIDHAR SHYAM
R/O AHOMONIGAON
P.S.-BORPATHAR
DIST- KARBI ANGLONG
ASSAM

5: DIBAKAR SINGH
S/O RANJIT SINGH
R/O WALFORD COLONY
P.S.-DIMAPUR
NAGALAN

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date :23.07.2024

Heard Mr. S.Munir, learned counsel for the petitioners 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-petitioners, namely, **1.Suraj Basumatary , 2. Nolan Basumatary, 3. Timothy Sangma, 4. Joutrika Shyam** and **5. Dibakar Singh** have prayed for grant of bail in connection with **Khatkhathi P.S. Case No.81/2024** under Sections 21(b)/29 of NDPS Act.

Case diary is received.

The learned counsel for the petitioners submits that 20.81 grams of suspected heroin was recovered from the possession of five petitioners which falls in the intermediate quantity under the NDPS Act and the petitioners are not the drug peddlers and they used to collect such small quantity of drugs for personal consumption. However, the petitioners have been in judicial custody for last 47 days and as such considering length of detention, the petitioners may be enlarged on bail.

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

In view of the submission of learned counsel for the parties and

considering the length of detention, this court is of the view that further custodial interrogation of the petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 1,00,000/-** (One Lakh) each with two sureties each of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Karbi Anglong, Diphu** subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned **Special Judge (NDPS Act), Karbi Anglong, Diphu** without prior written permission from him/her;
- (ii) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioners 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;
- (iv) That out of the two sureties, one must be a government servant of the State of Assam in case of the petitioner No. 2 **Nolan Basumatary** and petitioner No. 5 **Dibakar Singh** as they are being the inhabitants of outside the State of Assam.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant