

GAHC010145242024



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

Case No. : Bail Appln./2124/2024

KAMTINMANG @ MANANG AND ANR.
S/O LT. LENNA NAOLAH
R/O H/NO. 92, PHAPIJANG VILLAGE
P.S. EAST, P.S. AND DIST. DIMAPUR, NAGALAND.

2: LHUNGOUMANG TUBOI
S/O PAOKHULAM TUBOI
R/O MOLVOM
P.S. GHASHPANI
DIST. CHUMUKEDIMA
NAGALAND

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. K MALAKAR, MS A MAJUMDER
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

14.08.2024

Heard Ms. K. Malakar, learned counsel appearing for the accused petitioners as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **Kamtinmang @ Manang and Lhungoumang Tuboi**, have prayed for grant of bail in connection with **Khatkhathi P.S. Case No.83/2024** under Sections **21(b)/29 of NDPS Act**.

The matter relates to recovery and seizure of 84.65 grams of suspected heroin from the possession of the accused petitioners which falls under intermediate quantity.

It is submitted by the learned counsel for the petitioners that the accused petitioners have been languishing in judicial custody for last 60 days since their arrest on 15.06.2024. It is further submitted that and the mandatory period of such offence is 60 days as contraband items recovered from their possession falls under intermediate quantity. Considering the length of detention, prayer for bail may be considered.

Mr. R. J. Baruah, learned Additional Public Prosecutor has submitted that case diary has been received without the FSL report. He further submitted that the contraband recovered from their possession falls under intermediate quantity. However, he has made no objection in granting bail to the petitioners.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary in the interest of investigation of the case.

Accordingly, the petitioners, named above, shall be released on bail, on furnishing bail bond of **Rs.1,00,000/- each** with **two suitable sureties each** of the like amount out of which one of the surety must a government employee of Assam, to the satisfaction of learned **Special Judge (NDPS), Karbi Anglong**.

The direction for bail is further subject to the conditions that the petitioners:

(a) shall not leave the territorial jurisdiction of learned Special Judge (NDPS), Karbi Anglong without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 them from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant