

GAHC010147402024



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

Case No. : Bail Appln./2167/2024

SMTI. RIJU PEGU BISWAS
S/O SRI JITEN BISWAS, R/O VILL- NO. 2 PARBOTIPUR, P.S.-LALUK, DIST-
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J C GOGOI, MR. H KAKATI, MR B ISLAM
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

02.09.2024

Heard Mr. J. C. Gogoi, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Smti Riju Pegu Biswas**, has prayed for grant of bail in connection with **Laluk P.S. Case No.107/2024** under Sections **21(b)/29 of NDPS Act (Corresponding to G.R. Case No. 491/2024)**.

The matter relates to recovery and seizure of 133 grams of heroin from the possession of the accused petitioner which falls under intermediate quantity.

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for last 53 days since her arrest on 11.07.2024 and the contraband items recovered from her possession are intermediate quantity. It is further submitted that the petitioner is the wife of one Jitan Biswas, who is the main culprit in this case and he was not present at the time of recovery of such contraband, so the petitioner was arrested. She is no way connected with the alleged offence. In view of above and considering the length of detention, prayer for bail may be considered.

Mr. Baruah, learned Additional Public Prosecutor has submitted that case diary has been received without the FSL report. He further submitted that intermediate quantity of suspect heroin was recovered from the house of the petitioner and the case is pending for submission of FSL report.

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-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.1,00,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate/Special Judge (NDPS), Lakhimpur, North Lakhimpur.**

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

(a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate/Special Judge (NDPS), Lakhimpur, North Lakhimpur 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 her 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