

GAHC010148832024



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

Case No. : Bail Appln./2187/2024

MEGHAN PASWAN AND ANR.
S/O DHAMAUL PASWAN
R/O VILL- NONIYA TOLA
DADHAPUR, P.O. AND P.S. BIBHUTIPUR, DIST. SAMASTIPUR, BIHAR.

2: DHARMENDAR PASWAN
S/O RAMVRIKSH PASWAN

R/O VILL- NEW DHANESPUR UTTAR
P.O. AND P.S. VIDHYAPATI NAGAR

DIST. SAMASTIPUR
BIHAR

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, K MAINUDDIN, MS J AKTAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.08.2024

Heard Mr. M.Khan, learned counsel for the petitioners and Mr. R.J.Baruah,

learned Addl.Public Prosecutor for the State respondent.

This is the second bail application filed under Section 439 Cr.P.C., seeking bail by the accused-petitioner, namely, 1. **Meghan Paswan** and 2. **Dharmendar Paswan**, in connection with Special (Nar) Case No. 50(BGN)/2024 pending before the court of learned Special Judge, Bongaigaon (Bongaigaon GRPS Case No.12/2024) u/s Section 20 (b) (ii) (C)/29 of the NDPS Act.

It may be mentioned herein that earlier by order dated 17.05.2024, bail application of the present petitioners were rejected vide Bail Application No.1204/2024 by this court.

The case of the petitioners is that on 11.02.2024, an FIR has been lodged before the I/C GRPS, New Bongaigaon stating inter alia that on 10.02.2024 at about 11.05 p.m. while the petitioners were travelling Bengaluru Humsafar Express Train (No. 12504), the railway police started checking when the train arrived at New Bongaigaon railway station. During checking, 9.8 kg of cannabis was recovered from the petitioners and 4 kg and 5.40 kg were recovered from Ramen Debbarma and Eti Debbarma respectively and 9.5 kg of cannabis was recovered from Mustkin. As such, the total cannabis recovered from five accused persons were weighing about 29 kg. Accordingly, a case was registered vide New Bongaigaon GRPS Case No. 12/2024 under Section 20(b)(ii) C/29 of NDPS Act, 1985.

The learned counsel for the petitioners has submitted that the petitioners are daily workers, aged about 40 and 39 years respectively. The petitioners are in judicial custody since 10.02.2024 and as such, considering length of detention, the privilege of bail may be granted to them.

Learned Additional Public Prosecutor submits that in this case the present

petitioners along with three co-accused were arrested. All the accused persons entered in to a criminal conspiracy for supplying of cannabis. The recovered items are of commercial quantity and as such, bail may not be considered to the petitioners.

I have considered the submission made by the learned counsel for the parties.

I have also perused the scanned copy of the case records.

It appears that 29 kg of cannabis were recovered from the present petitioners along with three other co-accused persons while they were travelling in the same train i.e. Bengaluru Humsafar Express Train (No. 12504) and in the same coach. It also appears that all the accused persons are known to each other. The recovered items fall in the commercial quantity. After perusal of the records, it is seen that their bail application was rejected only on 17.05.2024 and no new ground has been stated to consider the present bail application. As the recovery is of commercial quantity, this Court is not inclined to grant bail to the petitioners at this stage.

Hence, prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial of the case.

The bail application stands disposed of.

JUDGE

Comparing Assistant