

GAHC010152322024



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

Case No. : Bail Appln./2240/2024

DIL JAAN DEORI
S/O LATE URAISING DEORI, VILL- MAJOR CHAPORTI, P.O./P.S.-
LAKHIMPUR, DIST- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : M PATHAK, MR. T ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

11.09.2024

Heard Mr M Pathak, learned counsel for the petitioner, Dil Jaan Deori, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is behind bars since 26.04.2024, in connection with Special NDPS Case No. 13/2024, arising out of Gingia PS Case No. 26/2024, under Sections 20(b)(ii)(C) of the NDPS Act.

2. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of

Assam.

3. The FIR unfolds that on a tip-off, a naka checking was held and as described by the tip-off, vehicle bearing Registration No. AS-01FB-3432 was intercepted, but instead of stopping the vehicle, the driver reversed the gear and started moving towards Biswanath Chariali. Later, the vehicle was abandoned.

4. It is submitted that the petitioner was arrested on 26.04.2024, after one month, whereas the vehicle was abandoned on 20.03.2024. The petitioner has prayed for bail on this ground alone.

5. The learned Additional Public Prosecutor has raised objection stating that trial has not yet commenced and charge sheet has been laid. This case is fixed for consideration of charge. At this juncture, bail cannot be considered as charge sheet has been laid against the petitioner. 101.795 kgs of ganja was recovered from the abandoned car.

6. The allegation is that the petitioner was in the car and he abandoned the car and escaped.

7. At this juncture, there appears to be no justified ground to extend the privilege of bail to the petitioner. Trial has not yet commenced. The petitioner is behind bars for 139 days. At this stage, the rigour of Section 37 of the NDPS Act, comes into play.

8. Considering all aspects, petition with prayer for bail is rejected, at this stage.

JUDGE

Comparing Assistant