

GAHC010152932024



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

Case No. : Bail Appln./2248/2024

PURUSHOTAM KUMAR
S/O SRI TRIPATI NATH RAM, R/O VILL- RAMPUR, P.O.-BEMARI, P.S.-BIHIA,
DIST- BHOJPUR, BIHAR, PIN-802154

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

12.11.2024

Heard Mr. M Khan, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Purushotam Kumar**, son of Sri Tripathi Nath Ram, resident of village Rampur, P.S.-Bihia, District- Bhojpur, Bihar has prayed for his bail in Bongaigaon GRPS Case No. 37/2024 registered under Section 120(b)(ii)C of the NDPS Act, in which, he was arrested on 01.04.2024 and is in custody since then.

3) By order dated 02.08.2024, record of Bongaigaon GRPS Case No. 37/2024 was called for.

4) The learned Special Judge (NDPS) cum Sessions Judge, Bongaigaon on 03.09.2024, forwarded the copy of the records of Special (NAR) Case No.83 (BGN)/2024 arising out of Bongaigaon GRPS Case No.37/2024, consisting of records of the case only up to 02.09.2024.

5) Mr. Khan, learned counsel for the petitioner, placed the certified copies of the order of the learned Special Judge (NDPS), Bongaigaon cum Sessions Judge, Bongaigaon up to 06.11.2024 of said Special (NAR) Case No.83 (BGN)/2024 stating that the prosecution, on the dates fixed for recording of evidences of the prosecution witnesses, i.e., on 02.09.2024, 11.09.2024, 25.09.2024, 23.10.2024 and 06.11.2024, did not adduce evidence of any prosecution witnesses.

6) It is also seen that on the basis of specific information, a total of 52.434 kgs with the weight of the wrapped tape, was recovered from 8 different packets; 3 from his blue coloured trolley bag, 2 from his maroon coloured trolley bag and 2 from his green coloured pithu bag, while he was travelling in the train Brahmaputra Mail proceeding towards Bongaigaon from Kamakhya Railway Station, Maligaon, Guwahati.

7) The total weight of NDPS items recovered from the petitioner was 51kgs, which

the FSL report dated 03.06.2024 specified to be Cannabis (Ganja), a NDPS item.

8) Considering the fact that much more than the commercial quantity of Cannabis (Ganja) was recovered from the physical possession of the petitioner while he was travelling in the train Brahmaputra Mail, the Court is of the view that detention of the petitioner, namely, **Purushotam Kumar**, who is in custody since 01.04.2024, cannot be considered for his bail in said Bongaigaon GRPS Case No. 37/2024.

9) Accordingly, this bail application of the petitioner, named above, in said Bongaigaon GRPS Case No. 37/2024 stands rejected at this stage.

JUDGE

Comparing Assistant