

GAHC010155212024



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

Case No. : Bail Appln./2285/2024

ANIL PATNAYAK
S/O LATE DAMUDHAR PATNAYAK, R/O VILL- NO. 1 ITAKHOLA, AHUBARI,
P.S.-SOOTEA, DIST- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A B T HAQUE, MS. R. R. SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-08-2024

Heard Mr. A.B.T. Haque, learned counsel for the petitioner Sri Anil Patnayak, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS for short) with prayer for bail as he is behind bars since 22.06.2024 in connection Soteea Police Station Case No. 57/2024 under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic

Substances Act, 1985 (NDPS for short) read with Section 4 of the Assam Ganja and Bhang Prohibition Act, 1958.

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

3. The allegation against the petitioner is that he was caught red handed carrying 7 kgs of ganja. It is submitted on behalf of the petitioner that the petitioner was found in possession of intermediate quantity of ganja.

4. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. Investigation has progressed to a considerable extent. It appears that further custodial detention may not be required for the progress of investigation.

6. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction of the learned jurisdictional Court under the conditions that:

(i) The petitioner shall refrain from such activities with which he is alleged.

(ii) The petitioner shall cooperate with the remaining part of investigation and shall not jump the bail.

(iii) The petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission.

7. On breach of any of the bail conditions, bail order shall stand

automatically cancelled.

8. In terms of the above observations, this Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant