

GAHC010158292024



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

Case No. : Bail Appln./2351/2024

SMTI. DODE NYONDA @ DODE NGOMDIR AND 2 ORS
W/O ABDUL JAMSED, R/O ALO, P.S.-AALO, DIST-WEST SIANG, STATE-
ARUNACHAL PRADESH

2: GUMGE ADO
S/O DUGGUM ADO
R/O ALO
P.S.-AALO
DIST-WEST SIANG
STATE-ARUNACHAL PRADESH

3: JIPAK NOSHI
S/O LOMGI NOSHI
R/O KAMKI
P.S.-KAMBA
DIST-WEST SIANG
STATE- ARUNACHAL PRADES

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D GOGOI, MR P H KONWAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.08.2024

1. Heard learned counsel Mr. G. Chamua for the petitioners namely, (i) Smti. Dode Nyonda @ Dode Ngomdir, (ii) Gumge Ado, and (iii) Jipak Noshi.
2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars since 08.07.2024 in connection with Silapathar Police Station Case No. 136/2024 under Sections 20(b)(ii)(B)/29 of the NDPS Act.
3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation is that a tip-off was received on 07.07.2024 relating to a car carrying Ganja and accordingly, a GD entry was made and the police party embarked upon the investigation. A nakka checking was held and a Maruti Alto Car bearing registration No. AR-11-A-6350 was searched and a plastic bag wrapped in newspaper containing Ganja was recovered from the car. The Ganja weighed around 2.060 kgs. It is submitted on behalf of the petitioners that the petitioners are innocent. A person wanted a lift in their car and the petitioners then refused to provide a lift, but the person asked them to carry the plastic packet for him. The petitioners were carrying the packet but they were not aware that Ganja was inside the packet. On being checked by the police, they learnt that Ganja was inside the packet.
5. It is submitted on behalf of the petitioner No. 1 and the petitioner No. 2 that the petitioner No. 1 went for her daughter's entrance examination and they are innocent. The other petitioner was also not aware that the packet given to

them by the unknown person contained Ganja.

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

7. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners.

8. I have considered the submissions that the petitioners are willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon them. I have considered the length of detention as the Case Diary reveals that investigation has also progressed to a considerable extent.

9. In view of my foregoing discussions, petition is allowed. The petitioners shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a local surety of like amount to the satisfaction of the Jurisdictional Court under the conditions that:

(i) The petitioners shall appear before the Investigating Officer within 1 (one) weeks and co-operate with the investigation,

(ii) The petitioners shall refrain from such activities with which they are alleged,

(iii) The petitioners shall appear before the Investigating Officer every fortnight till completion of investigation, and

(iv) The petitioners shall not leave the jurisdiction of the Court without prior permission.

10. On breach of any of the bail conditions, bail order shall stand automatically cancelled.
11. Send back the Case Diary.

JUDGE

Comparing Assistant