

GAHC010172432024



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

Case No. : Bail Appln./2547/2024

BIKASH KALITA
S/O ROMA KANTA KALITA, R/O VILL- NA-PAM GAON, GARMUR DULIA
GAON, P.O.-JEC, P.S.-JORHAT, DIST- BONGAIGAON (ASSAM), PIN-785007

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G CHAMUAH, MR. D GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.08.2024

1. Heard learned counsel Mr. G. Chamuah for the petitioner Bikash Kalita.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 09.07.2024 in connection with Jorhat Police Station Case No. 277/2024 under

Sections 21(b)/25 of the NDPS Act corresponding to GR Case No. 443/2024 pending before the Special Judge, Jorhat, Assam.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. It is submitted on behalf of the petitioner that the petitioner is the father of a 2 month old baby. The petitioner is also the sole bread winner of his family. His incarceration will affect his family members.

5. The allegation against the petitioner is that on a tip-off, a search was conducted and some suspicious brown color substance weighing 10.81 grams was found in his possession. It is also submitted that the petitioner has been behind bars for 52 days, almost completing the statutory period under Section 167(2) of the Cr.PC/187(2) of the BNSS. Annexure-2 of the petition is the discharge certificate of the 2 month old baby that the petitioner has to tend to.

6. The petitioner has pledged to abide by any stringent bail conditions, if imposed upon him.

7. In view of my foregoing discussions, petition is allowed. The petitioner shall be 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 Special Judge, Jorhat under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged,
- (ii) The petitioner shall co-operate with the remaining part of the investigation, and
- (iii) The petitioner shall not leave the jurisdiction

of the Court without prior permission.

8. On breach of any of the bail conditions, bail order shall stand automatically cancelled.
9. In terms of the above observation, Bail Application stands disposed of.

JUDGE

Comparing Assistant