

GAHC010176242024



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

Case No. : Bail Appln./2599/2024

MOHAN BORO
S/O SRI SANJAY BORO, R/O LALMATI, NEAR BORSAJAI L.P. SCHOOL, P.S.-
BASISTHA, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. A. MEDHI,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 03.10.2024

Heard Ms. A. Medhi, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State.

2. By this application filed under section 483 of the Bharatiya Nagarik

Suraskha Sanhita, 2023, the accused petitioner namely, **Mohan Boro**, has prayed for bail in connection with **NDPS Case No. 49/2024 (arising out of Basistha P.S. case No. 355/2023) under Section 20(b)/29 of NDPS Act, 1985**, pending in the court of learned Additional Sessions Judge No. 3(FTC), Kamrup(M), Guwahati, Assam.

3. It has been submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for more than one year since his arrest on 22.06.2023. It is also submitted that due to absence of other co-accused, the trial has not yet commenced. It is further submitted that only 42 grams of heroin was recovered from the possession of the petitioner along with other co-accused which appears to be intermediate quantity. Considering the length of detention as well as the background of the case, the petitioner may be enlarged on bail.

4. Mr. Parasar, learned Additional Public Prosecutor for the State submits that the other co-accused had already granted bail and they are now absconding for which the trial has not yet been commenced. But it is admitted that the contraband recovered from the possession of the petitioner and the co-accused which are intermediate quantity.

5. I have considered the submissions made by the parties. I have also perused the scanned copy of trial court record.

6. Considering the background of the case as well as length of detention of the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner, named above, shall be released on bail in connection with **NDPS Case No. 49/2024 (arising out of Basistha P.S.**

case No. 355/2023) under Section 20(b)/29 of NDPS Act, 1985, pending in the court of Additional Sessions Judge No. 3, (FTC), Kamrup(M), Guwahati, on furnishing bail bond of Rs.50,000/- with two suitable sureties of the like amount out of which one of the sureties should be a Government employee, to the satisfaction of learned Additional Sessions Judge No. 3, (FTC), Kamrup(M), Guwahati, Assam.

8. The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Additional Sessions Judge No. 3, (FTC), Kamrup(M), Guwahati, Assam without prior written permission from him/her;

(b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court;

(c) shall appear before the trial court on each and every date fixed for hearing without fail;

9. Breach of any of the above conditions, shall tantamount to cancellation of bail.

10. In the view of the above, the bail application stands disposed of.

JUDGE

Comparing Assistant