

GAHC010229872023



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

Bail Appln./2850/2023

WAHENGBAM ROBITA DEVI AND ANR.
W/O DEEPAK SINGH
R/O WAHENGBAM LEIKAI
NEAR LAIREMBI MANING P.S. IMPHAL WEST
DIST. IMPHAL
MANIPUR.

2: SRI DEEPAK SINGH @ WAHENGBAM DEEPAK SINGH
S/O WAHENGBAM SOMOREADRO SINGH
R/O WAHENGBAM LEIKAI NEAR LAIREMBI MANING
P.S. IMPHAL WEST
DIST. IMPHAL
MONIPUR.
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. D SARMAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 10-01-2024

- 1.** Heard Mr. D. Sarmah, learned counsel for the petitioners.
- 2.** The petitioners, namely, [1] Wahengbam Robita Devi and Sri Deepak Singh @ Wahengbam Deepak Singh have filed this application under Section 439 Cr.PC with prayer for bail as they are behind bars since 10.02.2023 in connection with NDPS Case No. 85/2023 arising out of Garchuk P.S. Case No. 35/2023 registered u/s 21(c)/29 of the NDPS Act, 1985.
- 3.** Heard Mr. B.B. Gogoi, learned Addl. PP, Assam.
- 4.** The petitioners have prayed for bail on the ground that they have been languishing in the jail for more than 11 months but trial has not yet commenced. Their personal liberty as mandated under Article 21 of the Constitution of India has been curtailed as their incarceration is in the garb of punitive detention.
- 5.** The learned Addl. P.P. has raised serious objections stating that rigours of Section 37 of the NDPS Act is an embargo to the petitioners prayer for bail. Charges are yet to be framed. Charge-sheet has been laid against the petitioners u/s 29(c)/29 of the NDPS Act.
- 6.** I have considered the submissions at the Bar with circumspection. The rigours of Section 37 of the NDPS Act acts as a fetter to the bail application. At this juncture there appears to be no justified ground to grant the privilege of bail to the petitioners.
- 7.** At this juncture, the petitioner's prayer for bail is rejected.
- 8.** The trial Court is directed to expedite the disposal of the case.

JUDGE

Comparing Assistant