

GAHC010182972024



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

Case No. : Bail Appln./2688/2024

PAWAN CHOUDHURY
S/O KAMAL CHOUDHURY
OF VILL- 4 NO RALBAHADUR LANE
P.S. JORHAT
DIST. JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI, MR K THAKUR, MR B M DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

27.09.2024

Heard Mr. K. Thakur, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Pawan Choudhury**, has prayed for grant of bail in connection with **Jorhat P.S. Case No.308/2024** under Sections **21(b)/25/29 of NDPS**

Act.

It is submitted by the learned counsel for the petitioner that the alleged contraband was recovered from the possession of the co-accused and on the basis of the statement of the co-accused the present petitioner was arrested. Nothing was recovered from the possession of the accused petitioner. It is also submitted that the accused petitioner has been languishing in judicial custody for last 52 days since his arrest on 07.08.2024. Considering the length of detention, prayer for bail may be considered.

Mr. Sarma, learned Additional Public Prosecutor has submitted that case diary has been received without the FSL report. He further submitted that the petitioner has supplied the said narcotics to the other co-accused. However, he has made objection in granting bail to the petitioner.

I have heard the learned counsel for both the parties also perused the case diary.

In view of the submission of learned counsel for both the parties and considering the length of detention as well as the progress of investigation, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Special Judge, Jorhat**.

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

- (a) shall not leave the territorial jurisdiction of learned Special Judge, Jorhat without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant