

GAHC010185732024



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

Case No. : Bail Appln./2724/2024

KAMALA KANTA KULI AND ANR
S/O LATE NABIN KULI
R/O VILL- KANDULIJAN
P.S. SILAPATHAR,
DIST. DHEMAJI ASSAM
PIN-787059

2: BAISHYA TAYE
S/O LATE MANIK TAYE
VILL- SILAPATHAR LAKHIPUR
P.S. SILAPATHAR
DIST. DHEMAJI
ASSAM
PIN-78705

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A KHANIKAR, R L CHUTIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

11.09.2024

Heard Mr. A. Khanikar, learned counsel appearing for the accused petitioners

as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioners, namely, **Kamala Kanta Kuli and Baishya Taye**, have prayed for grant of bail in connection with **Silapathar P.S. Case No.143/2024** under Sections **21(b)/29 of NDPS Act (corresponding to GR Case No. 325/2024)**.

It is submitted by the learned counsel for the petitioners that the accused petitioners have been languishing in judicial custody for last 60 days since their arrest on 13.07.2024 and the contraband items recovered from their possession are intermediate quantity. It is further submitted that charge-sheet has not yet been submitted. Considering the length of detention, the petitioners may be enlarged on bail.

Mr. Gogoi, learned Additional Public Prosecutor submitted that the contraband recovered from their possession falls under intermediate quantity and charge-sheet has also not yet been submitted. He submitted that length of detention may be considered.

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

Accordingly, the petitioners, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/- each** with **two suitable sureties each** of the like amount, to the satisfaction of learned **Special Judge (NDPS), Dhemaji**.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge (NDPS), Dhemaji 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 them 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