

GAHC010188052024



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

Case No. : Bail Appln./2756/2024

PREMJEET KUMAR
S/O LATE RAJ KUMAR YADAV, R/O VILL- GAMHARIA, P.S.-ALAU LI, DIST-
KHAGARIA, BIHAR, PIN-848203

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 08.10.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 483 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 for grant of bail to the petitioner, i.e. Premjeet Kumar, who has been arrested on 27.08.2024 in connection with Bongaigaon G.R.P.S. Case No.99/2024 registered under Section 20(b)(ii)B of the NDPS, Act.

3. The case of the prosecution is that that on 27.08.2024 one Sanjib Choudhury ASI lodged an FIR before the Officer-in-charge, Bongaigaon GRPS alleging inter-alia that when the police team headed by the informant carried search operation in the Train at New Bongaigaon Railway Station has found the petitioner on suspicion condition and on enquiry has found a polythene packet containing suspected Ganja weighing 11:52 Kg. and accordingly, seized the same and apprehended the petitioner. Accordingly, Bongaigaon G.R.P.S. Case No.99/2024 under section 20(b)(ii)B of the NDPS Act has been registered against the present petitioner.

4. Mr. M. Khan, learned counsel for the petitioner submits that the petitioner is a farmer and has no bad antecedent in his past life.

5. He further submits that the petitioner has been arrested on 27.08.2024 and thereafter on 28.08.2024 he was produced before the learned Special Magistrate, Bongaigaon and then remanded to jail and presently he has been languishing in the jail for last 43 days.

6. He further submits that the allegation made in the FIR is absolutely false and concocted and nothing was recovered from the possession of the accused-petitioner.

7. He further submits that it is only on the basis of suspicion case was registered against him.

- 8.** Per contra, Mr. R. R. Kaushik, learned Additional Public Prosecutor submits from the materials available on record including the case diary that suspected Ganja weighing 11:52 kg. was seized from the possession of the petitioner while he was travelling in the train.
- 9.** He further submits that the FSL report is awaiting.
- 10.** Heard the learned counsel for the parties and perused the materials available on record including the case diary placed before this Court.
- 11.** It appears that despite the FSL report being called on 13.09.2024 and 03.10.2024, the same has not been placed before this Court till date.
- 12.** It further appears that the investigation has progressed substantially and the statement of the witnesses including the accused-petitioner has already been recorded.
- 13.** It appears that no adverse antecedent materials have been collected against the accused-petitioner by the Investigating Officer till date.
- 14.** It further appears that the petitioner has been languishing in jail since last 43 days and he was last interrogated on 27.08.2024.
- 15.** Considering the length of detention, this Court is of the considered view that further detention of the petitioner, in the interest of the ongoing investigation, is not justified.
- 16.** Therefore, the petitioner is granted bail.

17. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the abovementioned case on furnishing bail bond of **Rs. 40,000/-** with two local suitable sureties of the like amount, to the satisfaction of jurisdictional learned Special Judge, Bongaigaon under the NDPS Act.

18. The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of jurisdictional learned Special Judge, under the NDPS Act, without prior written permission from him;

(b) shall deposit his Passport/visa, etc if any, in the court of the learned jurisdictional Special Judge;

(c) shall not hamper with the investigation, or tamper with the evidence of the case;

(d) 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; and

(e) shall appear before the Investigating Police Officer once in a week until the entire investigation of the case is completed and as and when called by the Investigating Police Officer for the purpose of investigation of the case.

19. The petition stands disposed of accordingly.

JUDGE

Comparing Assistant