

GAHC010192602024



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

Case No. : Bail Appln./2842/2024

DIPANTA CHANDRA NATH
S/O MANIK CHANDRA NATH
R/O AGNIPASHA WARD NO. 3,
P.O. AND P.S. PANISARGAR, 799260
DIST NORTH TRIPURA, TRIPURA.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR B MALAKAR,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 12.11.2024

Heard Mr. B. Malakar, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. By this second petition filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Dipanta Chandra Nath**, has prayed for bail in connection with **Special Case (NDPS) No. 94/2023** (arising out of **Bazarichara P.S. Case No. 154/2023**) under Section 22(c)/25/29 of NDPS Act.

3. It has been submitted by the learned counsel for the accused/petitioner that the accused-petitioner is the driver of the vehicle bearing Regd. No. TR-04-D-1743 which was going towards Tripura from Guwahati. When the truck reached at near Churaibari watch post under Bazaricherra police station, the said vehicle was intercepted and it was thoroughly checked. On being searched, 200 nos. of bottle of Phensedyl cough syrup were recovered. It is also submitted that the consignor is R.B. Textile of Delhi for transportation of such goods from Dehli to Tripura and the consignee is one Shilpi Das of Agartala. But charge sheet has not been laid against them.

4. According to the learned counsel for the petitioner, though the consignor and consignee are the main persons for trafficking such contraband, but charge sheet has been laid only against the present petitioner. It is further submitted that the petitioner is no way connected with alleged offence. He was only the driver of the said vehicle for transportation of the goods. It is also submitted that the petitioner has been detained in custody for more than one year since his arrest on 31.07.2023. It is further submitted that no any witness did say anything regarding the involvement of the present petitioner. As the petitioner has no knowledge about the alleged contraband items kept inside the truck and also considering the length of detention, the petitioner may be enlarged on bail.

5. In support of his submission, the learned counsel for the petitioner has

placed reliance on the following case laws-

(i) Rabi Prakash v. The State of Odisha, reported in 2023 O

Supreme (SC) 707.

(ii) Lorik Ram vs. State of Assam, reported in 2022 (4) GLT 422.

6. Mr. Goswami, learned Additional Public Prosecutor for the State submits that out of nine witnesses, five witnesses have already been examined. Charge was framed in the month of March, 2024. As such, there is no delay in proceeding of the case. Therefore, he has prayed that at this stage of trial, bail may not be considered to the petitioner.

7. I have considered the submissions made by the learned counsel for the parties. I have also perused the scanned copy of trial court record including the evidence of witnesses.

8. It appears from the evidence of witnesses including the seizure witnesses that all of them have identified the accused/petitioner that he was the driver of the alleged vehicle from which commercial quantity of narcotic drugs were recovered.

9. Apparently, there is no delay in the proceeding of the case. The submission of learned counsel for the petitioner has not satisfied the embargo imposed under Section 37 of NDPS Act.

10. On consideration of the matter in its entirety, this Court is not inclined to grant of bail to the accused/petitioner, at this stage. Therefore, prayer for bail is

rejected. However, trial court is directed to take such endeavor to dispose of the matter at the earliest.

11. The bail application stands disposed of.

JUDGE

Comparing Assistant