

GAHC010218042024



2024:GAU-AS:11213

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

Case No. : Bail Appln./3283/2024

MADARSAN DAS
S/O LATE RAJDHANI DAS, R/O NEW GUWAHATI, NEAR HANUMAN
MANDIR, P.S.-NOONMATI, GUWAHATI, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R DE, MS. D PATHAK

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18.11.2024

Heard Mr. R De, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam, for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Sri Madarsan Das**, Son of Late Rajdhani Das, resident of New Guwahati, Police Station- Noonmati, District-Kamrup(M), is praying for his bail in **Noonmati Police Station Case No. 196/2024**, corresponding to G.R. No. 5572/2024, registered under Section 20(b)(ii)(B) of

the NDPS Act, 1985, wherein, he was arrested on 19.09.2024 and is in custody since then.

3) As per the FIR of the case dated 19.09.2024, lodged by one Sub Inspector of Police of Noonmati Police Station stating that on that day at about 4:36 PM, reliable information was received from source that large quantity of NDPS items were kept concealed for selling purposes by two persons at Sector 3 and in that regard, GD Entry No.23 dated 19.09.2024 was made. On being authorized, police personnel from Noonmati Police Station rushed to the spot and on reaching the location, the shop of the petitioner was searched. During such search, 150 nos. plastic pouches containing suspected Ganjga were recovered and seized in presence of 3 (three) independent witnesses.

4) Accordingly, Noonmati P.S. Case No.196/2024 under Section 20(b)(ii)(B) of the NDPS Act, 1985 was registered against the petitioner.

5) On instruction of the Investigating Officer of said Noonmati P.S. Case No.196/2024, Mr. Sarma, learned Additional Public Prosecutor, Assam submitted that FSL report of the seized NDPS items recovered from the petitioner is yet to be received, for which, charge-sheet in the case could not be filed till date.

6) It is seen that since 19.09.2024, the petitioner is in custody for about 61 days. As such, the petitioner is entitled for his default bail in said Noonmati P.S. Case No.196/2024.

7) Accordingly, the petitioner, namely **Sri Madarsan Das**, be granted default bail in said Noonmati P.S. Case No.196/2024 on furnishing a bail bond of Rs. 50,000/- with 2(two) local sureties each of the like amount, one of which shall be a government employee, either Central or State Government, to the satisfaction of the learned Special Judge (NDPS), Kamrup (Metro), Guwahati, subject to the conditions that the petitioner, named above —

i) shall appear before the concerned Investigating Officer of said Noonmati P.S. Case No.196/2024, as and when he is required for necessary investigation of the case;

ii) shall surrender his passport, if any, before the learned Special Judge (NDPS), Kamrup (Metro), Guwahati on or before 26.11.2024;

iii) shall not leave the territorial jurisdiction of Noonmati Police Station without obtaining prior written permission from the Investigating Officer of Noonmati P.S. Case No.196/2024;

- iv)** shall not hamper with the investigation, or tamper with the evidence of the case;
 - v)** 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 and;
 - vi)** shall not involve himself in any criminal activities in the future
- 8)** Any violation of the aforesaid terms and conditions by the petitioner, namely, , **Sri Madarsan Das**, the bail granted to him in said Noonmati P.S. Case No.196/2024 shall stand automatically vacated.
- 9)** This bail application accordingly stands allowed.

JUDGE

Comparing Assistant