

GAHC010226662024



2024:GAU-AS:11866

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

**Case No. : Bail Appln./3316/2024**

PAPU DAS AND ANR  
S/O SRI MUKUL DAS, R/O CHALIBASA, P.S.-NAMRUP, DIST-DIBRUGARH

2: LITON MUKHARJEE  
S/O LATE DULAL MUKHARJEE  
R/O GOLAI BASTI  
P.S.-NAMRUP  
DIBRUGARH  
ASSA

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR B P BORAH, MR. A KHANDAKAR, MR P J DUTTA**

**Advocate for the Respondent : PP, ASSAM,**

**BEFORE**  
**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**29-11-2024**

Heard Mr. P. J. Dutta, learned counsel for the petitioners and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

**2.** By this application filed under Section 483 BNSS, 2023, the petitioners, namely, **(1) Papu Das**, son of Sri Mukul Das, resident of Chalibasa, Police Station- Namrup, District-Dibrugarh and **(2) Liton Mukharjee**, son of late Dulal Mukharjee, resident of-Golaibasti, Police Station- Namrup, District-Dibrugarh are seeking bail in **Namrup P.S. Case No. 63/2024** registered under Sections 21(b)/29 of the NDPS Act, corresponding to G.R. No. 173/2024, wherein they were arrested on 01.10.2024 and in custody since then.

**3.** As per the FIR of the case dated 30.09.2024, lodged before the Officer-in-Charge of Namrup Police Station stating that the petitioners along with two others were travelling in a Maruti Van bearing Registration No. AS-06-R-0624, while coming from Tingkhong side during a Naka Checking at Namrup Railway Station recovered 24 grms of suspected Heroin in two packets from the said vehicle. Accordingly, Namrup P.S. Case No. 63/2024 under Sections 21(b)/29 of the NDPS Act was registered against the petitioners, and they were taken into custody.

**4.** On instruction of the Investigating Officer of said Namrup P.S. Case No. 63/2024, Mr. B. Sarma, learned Addl. PP submitted that the FSL report of the seized NDPS items recovered from the petitioners is yet to be received for which

charge-sheet in the case could not be filed till date.

**5.** Since 01.10.2024, the petitioners are in custody till date for about 60 days. In view of the above, the petitioners are entitled for their default bail in said Namrup P.S. Case No. 63/2024.

**6.** Accordingly, the petitioners, namely, **(1) Papu Das**, and **(2) Liton Mukharjee**, are granted default bail in said Namrup P.S. Case No. 63/2024 on furnishing a bail bond of Rs. 50,000/- each with two local sureties each of the like amount, one of which shall be government employee, either State Government or Central Government, to the satisfaction of the learned Special Judge (NDPS)-cum-Sessions Judge, Dibrugarh on conditions that the petitioners – **(i)** shall appear before the Investigating Officer of said Namrup P.S. Case No. 63/2024 as and when they are required for necessary investigation of said Namrup P.S. Case; **(ii)** shall surrender their passports, if any, before the learned Special Judge (NDPS)-cum-Sessions Judge, Dibrugarh on or before 07.12.2024; **(iii)** shall not leave the territorial jurisdiction of the learned Special Judge (NDPS)-cum-Sessions Judge, Dibrugarh, without obtaining prior written permission from the said authority; **(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 further **(vi)** shall not indulge themselves in any such criminal activities including possession or procurement of such NDPS items, failing which, the bail granted to them in said Namrup P.S. Case No. 63/2024 shall stand automatically vacated.

**7.** Any violation of the aforesaid terms and conditions by the petitioners, named above, the bail granted to them in the aforementioned Namrup P.S. Case

No. 63/2024 shall stand automatically vacated.

- 8.** Bail application stands allowed to the extent above.
- 9.** Return the case diary.

**JUDGE**

**Comparing Assistant**