

GAHC010232132024



2024:GAU-AS:12303

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

Case No. : Bail Appln./3371/2024

SUSHI CHANG MOMIN
S/O- LATE FARINDRA K CHANGMA,
R/O-PILINGKATA, RAJALI,
P.S- KHANAPARA, DIST- RI-BHOI,
MEGHALAYA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : SAMSUL ALAM HUSSAIN, MS R.R.MECH,L HANGZO,R
BARMAN,G BORO,MR. S A HUSSAIN,MR D J HALOI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

05.12.2024

Heard S A Hussain, 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, **Sushi Chang Momin**, Son of Lt Farindra K Changma, resident of Pillingkata, Rajali, Police Station-Khanapara, District-Ri-Bhoi, Meghalaya is praying for his bail in **Basistha Police Station Case No. 711/2024**, registered under Section 21(b) of the NDPS Act, 1985 corresponding to G.R. No. 5980/2024, wherein, he was arrested on 05.10.2024 and is in custody since then.

3) As per the FIR dated 05.10.2024, lodged by one Sub Inspector of Police of STF, Guwahati before the Officer-in-Charge of Basistha Police Station, the case is that on that day at about 1:45 PM, reliable information was received from source that dealing and selling of illegal drugs have been going on at Latakata-Dakshin Ganesh Nagar area under Basistha Police Station since long. Accordingly, STF P.S. G.D. Entry No. 76 dated-05.10.2024 was made and on being duly authorized, police personnel from STF Police Station rushed to the spot. On reaching the said spot, the police personnel found the petitioner at a waiting shed, being involved in suspicious activities and after following the due procedure, the police personnel conducted body search on the petitioner. During such search, one blue coloured soap box containing transparent plastic packet filled with suspected Heroin kept in an orange coloured polythene, was seized in the presence of 2 (two) independent witnesses.

4) Case diary is placed before the Court today by Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

5) Case diary reveals that 12.5 gms of suspected heroin was recovered from the possession of the petitioner in presence of independent witnesses.

6) The petitioner, considering his length of detention in custody since 05.10.2024, has filed

this bail application on 04.11.2024, seeking his bail in said Basistha P.S. Case No. 711/2024.

7) On being enquired, Mr. B Sarma, learned Additional Public Prosecutor, Assam submitted that though investigation of the case is complete, but, due to non-availability of the FSL report, charge sheet could not be filed in the said case till date.

8) Considering the length of detention of the petitioner in custody, since 05.10.2024, it is found that the petitioner is in custody for more than 61 days, as on today. Thereby, the petitioner has completed the mandatory period of detention, whereas, the State/prosecution failed to submit the charge-sheet within the statutory time limit as prescribed by the relevant laws in force.

9) Hence, considering the same, the petitioner, named above, is entitled for his default bail in said Basistha P.S. Case No. 711/2024

10) Accordingly, the petitioner, namely, **Sushi Chang Momin**, be granted default bail in said Basistha P.S. Case No. 711/2024 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) cum Sessions Judge, Kamrup (Metro), Guwahati, subject to the conditions that the petitioner, named above —

- i)** shall appear before the concerned Investigating Officer of said Basistha P.S. Case No. 711/2024, 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) cum Sessions Judge, Kamrup (Metro), Guwahati on or before 12.12.2024;
- iii)** shall not leave the territorial jurisdiction of Basistha Police Station without obtaining prior written permission from the Investigating Officer of Basistha P.S. Case No. 711/2024;
- 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

11) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Sushi Chang Momin**, the bail granted to him in said Basistha P.S. Case No. 711/2024 shall stand automatically vacated.

12) This bail application accordingly stands allowed.

13) Return the case diary herewith.

JUDGE

Comparing Assistant