

GAHC010237332024



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

Case No. : Bail Appln./3435/2024

MANAKH PRATIM BARUAH
S/O SRI BABUL BARUAH
R/O BALIJAN SAIDING
P.S. CHABUA
DIST. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MD IMRAN,MR D SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

12-11-2024

Heard Mr. D. Saikia, learned counsel for the petitioner and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Sri Manakh Pratim Baruah**, son of Sri Babul Baruah, resident of Village- Baliyan Saiding, P.S.-Chabua, District-Dibrugarh is seeking bail in **Chabua P.S. Case No. 68/2024** corresponding to G.R. No. 1013/2024 registered under Sections 21(b)/29 of the NDPS Act, wherein, he was arrested on 08.09.2024 and in custody since then.

3. As per the FIR of the case dated 08.09.2024, lodged by the informant stating that on 07.09.2024, on receipt of specific information from reliable source to the effect two persons are running illegal business of selling huge amount of psychotropic substances. After receipt of such information, Chabua P.S. GDE No. 10 dated 07.09.2024 was made and the said information was communicated to the DSP(HQ), Dibrugarh. Thereafter, police personnel from Chabua Police Station proceeded to the place along with necessary tools to take legal action and on arrival at Jerai Gaon near supply noticed that two boys were moving suspiciously and the police personnel apprehended those two boys. Both the boys were searched in presence of independent witnesses and on being searched one pink colour tobacco container containing orange colour powder (suspected to be Heroin) weighing about 7 gms without container including other were recovered from them. Accordingly, Chabua P.S. Case No. 68/2024

registered under Sections 21(b)/29 of the NDPS Act was registered against the petitioners and the articles were seized from the petitioner.

4. On instruction of the Investigating Officer of said Chabua P.S. Case No. 68/2024, Mr. Parasar, learned Addl. PP submitted that the 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.

5. Mr. Saikia, learned counsel for the petitioner submitted that the co-accused of the case, namely, Sri Manash Jyoti Borgohain has already been granted default bail in said Chabua P.S. Case No. 68/2024 by this Court on 08.11.2024, passed in BA No.3407/2024.

6. Since 08.09.2024, the petitioner is in custody for about 63 days. In view of the above, the petitioner is entitled for his default bail in said Chabua P.S. Case No. 68/2024.

7. Accordingly, the petitioner, namely, **Sri Manakh Pratim Baruah** is granted default bail in said Chabua P.S. Case No. 68/2024 on furnishing a bail bond of Rs. 50,000/- 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), Dibrugarh on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said Chabua P.S. Case No. 68/2024 as and when he is required for necessary investigation of said Chabua P.S. Case; **(ii)** shall surrender his passport, if any, before the learned Special Judge (NDPS), Dibrugarh on or before 20.11.2024; **(iii)** shall not leave the territorial jurisdiction of Chabua Police Station without obtaining prior written permission from the Investigating Officer of the case; **(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 indulge himself in any such criminal activities in future including possession or procurement of such NDPS items.

8. Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in the aforementioned Chabua P.S. Case No. 68/2024 shall stand automatically vacated.

9. Bail application stands allowed to the extent above.

JUDGE

Comparing Assistant