

GAHC010238552022



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

Case No. : AB/3444/2022

GANESH DAS
S/O SUBODH DAS,
R/O BANIKPARA, GOVINDA NAGAR, LALGANESH ROAD,
P.S.- FATASIL AMBARI,
DIST.- KAMRUP (METRO), ASSAM.

VERSUS

THE STATE OF ASSAM
THROUGH P.P., ASSAM.

Advocate for the Petitioner : MR P K KALITA

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/774/2022

GANESH DAS
S/O SUBODH DAS
R/O BANIKPARA
GOVINDA NAGAR
LALGANESH ROAD
P.S.- FATASIL AMBARI
DIST.- KAMRUP (METRO)
ASSAM.

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PP

ASSAM

Advocate for : MR P K KALITA

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

01.02.2024

Heard Mr P K Kalita, learned counsel for the petitioner/applicant, Sri Ganesh Das.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Kamalpur PS Case No. 102/2022, under Sections 21(c)/22(c)/17(c)/29 of the NDPS Act.

3. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

4. It is submitted on behalf of the petitioner that the Kamalpur PS Case No. 102/2022 was registered after the petitioner had lodged the FIR on 05.07.2022 when his vehicle bearing Registration No. AS-01-PC-1623 was found missing. Thereafter, during investigation, the vehicle was traced out and contraband was found inside the vehicle by the driver, Shankar Bhakat, who had already abandoned the vehicle.

5. The FIR of Kamalpur PS Case No. 102/2022 was lodged on 09.07.2022, on the basis of Fatasil Ambari GD Entry No. 126/2022 and subsequent Rangia GD Entry No.

256 of 09.07.2022 was registered. .

6. It is submitted that during investigation when the vehicle was recovered,
 - i) 21 plastic soap cases containing suspected heroin,
 - ii) 3 packets containing suspected opium,
 - iii) 10 plastic packets containing suspected heroin, and
 - iv) 16 packets of SPS tablet, including 2304 tablets were all recovered from the spare tyre of the vehicle, a truck bearing Registration No. AS-01-PC-1623.
7. It is submitted by the learned Additional Public Prosecutor that the petitioner has appeared before the IO and his statement has been recorded.
8. I have considered the submissions at the Bar with circumspection.
9. The petitioner was granted interim bail vide order dated 04.05.2023. He has appeared before the IO and has cooperated with the investigation. The petitioner has not violated any bail conditions.
10. Investigation has progressed to a considerable extent.
11. Statements of witnesses have already been recorded.
12. I have considered all aspects and in view of my foregoing discussions, the interim order dated 04.05.2023, is hereby made absolute, under the following conditions:-
 - i) the petitioner is directed to appear before the IO after every 14 (fourteen) days and cooperate with the investigation,

- ii) the petitioner is directed not to tamper with the evidence, and,
- iii) the petitioner is directed not to leave the jurisdiction of the learned trial Court, without prior written permission, till completion of trial.

13. Bail Application as well as the Interlocutory Application stand disposed of.

JUDGE

Comparing Assistant