

GAHC010246942024



2024:GAU-AS:12602

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

Case No. : Bail Appln./3581/2024

RAJIB KALITA
S/OLATE HEMKUMAR KALITA
R/O BIRPARA, NEAR BAMUNIGAON
RAILWAY STATION,
P.S. BOKO
DIST. KAMRUP, ASSAM
MOB. NO. 8753953191
PIN- 781123

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR A K AHMED, MS P KAKATI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

12.12.2024

Heard Mr. A K Ahmed, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State/opposite party No. 1.

2) The petitioner, namely, **Rajib Kalita**, son of Late Hemkumar Kalita, resident of

Birpara, Near Bamunigaon Railway Station, P.S.-Boko, District-Kamrup has filed this application under Section 483 BNSS, 2023 seeking his bail in **Special (NDPS) Case No. 14/2024**, arising out of Bazaricherra Police Station Case No. 21/2024, registered under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985, corresponding to G.R. No. 209/2024, in which, he was arrested on 01.02.2024 and is in custody since then.

3) As per the FIR dated 01.02.2024, lodged by one sub-inspector of police before the Officer-in-Charge of Bazaricherra Police Station, alleging therein that on 31.01.2024 at around 2:30 PM, during naka checking, a six wheeler red coloured container body truck bearing registration No. AS-01-QC-8165 was stopped and searched, during which, from a special secret chamber of the said container truck, a total of 45 (forty five) Nos. of packets of suspected Cannabis (Ganja) were recovered. Accordingly, police personnel from Bazaricherra Police Station, with due authorisation, seized those suspected Cannabis (Ganja), all weighing about 275 kgs and apprehended the petitioner, who was found in the said truck, along with the other co-accused, namely, Deep Kumar Hajang, who is the driver of the said truck.

4) Each of the 45 (forty five) Nos. of packets were marked respectively and were also weighed separately, altogether measuring 275 kgs of suspected Cannabis (Ganja).

5) The FSL report of the seized suspected NDPS items of the case dated 01.03.2024 indicated that it tested positive for Cannabis (Ganja), a schedule NDPS item.

6) Charge-sheet in the case was filed on 28.03.2024 and was placed before the Court of the learned Special Judge (NDPS), Karimganj on 09.05.2024. Thereafter, the said Bazaricherra Police Station Case No. 21/2024 was registered as Special (NDPS) Case No. 14/2024.

7) The learned Special Judge (NDPS), Karimganj on 09.05.2024, after taking cognizance of the offences under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985, issued summons to the accused persons, including the owner of the said vehicle bearing Registration No. AS-01-QC-8165, who evaded his arrest and in the charge-sheet, police marked him as an absconder accused.

8) Considering the length of his detention in custody since 01.02.2024, the petitioner herein has prayed for his bail in said Special (NDPS) Case No. 14/2024 arising out of

Bazaricherra P.S. Case No. 21/2024.

9) Perused the case records of said Special (NDPS) Case No. 14/2024, as called for by the Court vide order dated 26.11.2024.

10) On perusal of the case record, it is revealed that the petitioner, along with the other arrested co-accused, i.e., Deep Kumar Hajang, had the knowledge of carrying of 275 kgs of Cannabis (Ganja) in the special chamber of the truck, which was specially manufactured in the said red coloured container body truck bearing Registration No. AS-01-QC-8165.

11) It is also seen from the case records that the notice on the absconding accused Rupak Kumar Gope, in the address given in the charge-sheet, did not return and remained unexecuted. As such, fresh summons have been issued to the said absconding accused.

12) Considering such materials in the case records and the involvement of the petitioner in the alleged crime, the Court is of the view that his detention, since 01.02.2024, cannot be considered for bail of the petitioner in said Special (NDPS) Case No. 14/2024 arising out of Bazaricherra P.S. Case No. 21/2024.

13) Accordingly, this bail application of the petitioner, **Rajib Kalita**, son of Late Hemkumar Kalita, in said **Special (NDPS) Case No. 14/2024** arising out of Bazaricherra P.S. Case No. 21/2024, presently pending before the Court of the learned Special Judge (NDPS), Karimganj stands rejected.

JUDGE

Comparing Assistant