

GAHC010250502024



2024:GAU-AS:13022

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

Case No. : Bail Appln./3616/2024

SACHINDRA BARUAH
S/O LT. KANAK CH. BARUAH
ADDRESS- R/O VILL- LOZORA
P.S. SIPAJHAR
DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. D SARMAH, B. D. KAKATI, S. J. SAHARIAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

20-12-2024

Heard Mr. S J Sahariah, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 of the BNSS, 2023, the petitioner, namely, **Sachindra Baruah**, son of late Kanak Ch. Baruah, resident of village-Lozora, P.S.-Sipajhar, District-Darrang is seeking bail in **Mangaldai Police Station Case No. 294/2024**,

registered under Sections 20(b)(ii)B/29 of the NDPS Act, 1985, in which he was arrested on 01.11.2024 and is in custody since then.

3. As per the FIR dated 01.11.2024 lodged by one Sub-Inspector of Police before the Officer-in-Charge of Mangaldai Police Station, the case is that on the basis of a specific information received on 31.10.2024 at night regarding selling and transportation of NDPS item like Ganja (Cannabis) by one Chand Miya at Baghpuri area under Mangaldai Police Station and that he is involved in illicit trafficking of NDPS item and further that he is likely to bring the consignment from his house for delivery, said Chand Miya was apprehended and huge amount of money was recovered from his possession. During interrogation of said Chand Miya as per his clue, on 01.11.2024 the petitioner was apprehended by police from his house and recovered in total 1557 Grms. of suspected Ganja kept in a black plastic bag, without the plastic bag weighing about 1538 Grams.

4. Accordingly, said FIR dated 01.11.2024 was registered as Mangaldai Police Station Case No. 294/2024 under Sections 20(b)(ii)B/29 of the NDPS Act, 1985 and the petitioner was taken into custody on 01.11.2024.

5. Mr. M P Goswami, learned APP, Assam has placed the relevant case diary before the Court.

6. Mr. M P Goswami, learned APP, Assam, has submitted that FSL report is still awaited.

7. Considering the materials in the case diary and the detention of the petitioner since 01.11.2024, this Court is of the opinion that further custodial detention of the petitioner is not warranted to investigate said Mangaldai Police Station Case No. 294/2024. As such, this bail application of the petitioner is accepted.

8. Accordingly, the petitioner, namely, **Sachindra Baruah**, son of late Kanak Ch. Baruah, be released on bail in said Mangaldai Police Station Case No. 294/2024 on furnishing bail bond of Rs. 75,000/-, with two local sureties, each of the like amount, one of which shall be a Government Employee, either State or Central Government, to the satisfaction of the learned Chief Judicial Magistrate, Mangaldai, subject to the conditions that the petitioner, named above —

- i) shall appear before the concerned Investigating Officer of said Mangaldai Police Station Case No. 294/2024 twice a week, on every Monday and Thursday

commencing from 30.12.2024, for the next three English Calendar months or till filing of Charge-Sheet in the case, whichever is earlier and further, as and when he is required in the said Mangaldai P.S case;

ii) shall not leave the territorial jurisdiction of Mangaldai Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;

iii) shall not hamper with the investigation, or tamper with the evidence of the case;

iv) 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;

v) shall not involve himself in any criminal activities in future, including possession, procurement and sale of such NDPS items.

9. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Sachindra Baruah**, the bail granted to him in said Mangaldai Police Station Case No. 294/2024 shall stand automatically vacated.

10. This bail application accordingly stands allowed.

11. Return the Case Diary herewith.

JUDGE

Comparing Assistant