

GAHC010254472023



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

Case No. : Bail Appln./4160/2023

RAM YADAV
S/O LATE MUNNA LAL YADAV,
R/O HOUSE NO. 13/104, NUNIHAI, KUBERPUR, P.S.- ETMODDAULA, DIST.-
AGRA (UTTAR PRADESH).

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MS. A MEDHI,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 16.08.2024

Heard Ms. A. Medhi, learned counsel for the petitioner and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely **Sri Ram Yadav**, praying for bail who was arrested on 28.10.2023 in connection with STF P.S. Case No. 16/2023 under Sections 279 IPC read with Section 22(c) of the NDPS Act.

It is submitted by the learned counsel for the petitioner that the petitioner is the driver of the vehicle bearing registration No. RJ11 GB 0508 from which commercial quantity of seized contraband item was recovered but the petitioner is not the owner of the vehicle and he has no knowledge in respect of carrying of such contraband articles in the vehicle. The petitioner has been detained in custody for last 242 days. Considering the length of detention, the petitioner may be enlarged on bail.

On the other hand, leaned Addl. P.P. has submitted that the charge sheet has been submitted but charge is yet to be framed. The petitioner is the only person travelling in the vehicle and the commercial quantity of ganja was recovered from the conscious possession of the petitioner, who was driving the vehicle. So, prayer for bail may not be considered at this stage.

Having heard the learned counsel for the parties and on perusal of the trial court record, it can be said that it is too premature to consider the bail prayer of the petitioner. Hence, prayer for bail is rejected.

JUDGE

Comparing Assistant