

GAHC010255682024



2024:GAU-AS:12992

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

Case No. : Bail Appln./3690/2024

BIREN MILI @ PEPEL
S/O SRI RAMESH MILI
R/O VIL- NO. 3 LAKHI NEPALI BOSTI,
P.S. JONAI
DIST. DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P HAZARIKA, P. BORAH, MR. H S BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

19/12/2024

Heard Mr. P Hazarika, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely, **Sri Biren Mili @ Pepel**, son of Sri Ramesh Mili, resident of Village-No. 3 Lakhi Nepali Bosti, P.S. Jonai, seeking bail in **Jonai P.S. Case No. 98/2024** registered under Sections 21(b)/27A/29 of NDPS Act, 1985, corresponding to G.R. No. 138/2024.

3. The petitioner was arrested on 20.09.2024 and was produced before the learned Sub-Divisional Judicial Magistrate, Jonai on 20.09.2024.

4. As per the FIR of the case dated 19.09.2024, 26.87 gms. of suspected heroin was recovered from the possession of the petitioner.

5. On being enquired, Mr. Goswami, learned Additional Public Prosecutor, Assam submitted that though investigation of the case is complete, but due to non-availability of the FSL report, charge-sheet could not be filed in the case. In the meanwhile, the petitioner has already completed the statutory/mandatory period of his detention in custody.

6. In view of the above, the petitioner is entitled for his default bail in said Jonai P.S. Case No. 98/2024.

7. Accordingly, the petitioner, namely, **Sri Biren Mili @ Pepel**, is granted default bail in said **Jonai P.S. Case No. 98/2024** registered under Sections 21(b)/27A/29 of NDPS Act, 1985, corresponding to G.R. No. 138/2024, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties each of the like amount, one of which shall be a Government Employee, either Central or State Government, to the satisfaction of the learned Special Judge (NDPS), Dhemaji on conditions that the petitioner — (i) shall appear before the Investigating Officer of said Jonai P.S. Case No. 98/2024, on every Thursday commencing from 02.01.2025 for the next 3 (three) English Calendar months during office hours or till filing of the charge-sheet in the case, whichever is earlier and also as and when he is required in connection with the said Jonai P.S. case; (ii) shall not leave the territorial

jurisdiction of the learned Special Judge (NDPS), Dhemaji, without obtaining prior written permission from the said authority; **(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 and **(v)** shall not indulge himself in any criminal activities including possession or procurement of such NDPS items, failing which, the bail granted to him in the aforesaid Jonai P.S. Case No. 98/2024 shall stand automatically vacated.

8. This bail application accordingly stands disposed of with the above directions.

JUDGE

Comparing Assistant