

GAHC010258102024



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

Case No. : Bail Appln./3776/2024

JITEN BISWAS
S/O ROSOMOI BISWAS
R/O VILL- NO. 2 PARBOTIPUR, P.S. LALUK, DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH, MS P DAS, MR. M ALAM
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

19.09.2024

Heard Mr. K. Boruah, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor representing the state.

2. By filing this bail application u/s 483 of BNSS, 2023, the petitioner, **Jiten Biswas**, has prayed for bail in connection with **Laluk PS case No. 107/2024 u/s 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (hereinafter referred as NDPS Act)**.

3. The brief fact of the case is that the complainant namely Chiranjib Baruah of Laluk had lodged an ejahar before the Officer-in-Charge of Laluk PS stating

inter alia that on 09/10/2024 as per secret information one Sri Bishal Shah was in possession of suspected heroine and he may come to Harmoti, Parbotipur to deliver the suspected heroine to unknown person. Accordingly, the OC of Laluk PS proceeded to the place of occurrence and at about 6:30 PM Naka team managed to apprehend the suspected Sri. Bishal Kr Shah with a scooty bearing registration No. AS07Q3567 and also seized among others 30 nos. of small plastic vials containing suspected to be heroine wrapped black colour polythene net weighting 40.08 grams. During investigation, it has come to light that Bishal Shah collected the said heroin from the present petitioner by paying Rs.27,000/-. Accordingly, the petitioner was arrested.

4. Learned counsel for the petitioner submits that one Riju Pegu Biswas who was also arrested in connection with the Laluk PS case no. 107/2024, was released on bail by this court.

5. Learned counsel for the petitioner further submits that the story narrated in the instant FIR is absolutely false and fabricated however, only on the basis of the FIR lodged by the informant; police has arrested the petitioner in connection with the instant case. Hence, prayed for bail.

6. Per contra, learned Additional Public Prosecutor has vehemently opposed in granting bail to the accused/ petitioner as the accused petitioner is very much involved in the alleged offence. And furthermore, several cases are pending against the petitioner relating to trafficking of narcotic drugs.

7. I have considered the submissions of the learned counsel for the parties. I have also perused the documents connected with the instant case as well as the case diary.

8. It appears that the accused was arrested on 22/10/2024 in connection with Laluk PS case No. 173/2024 u/s 21(b)/29 NDPS Act. Subsequently, the petitioner was shown arrested on 05/11/2024 in connection with this case vide Laluk PS case no. 107/2024. Case diary reveals that several other cases have been pending against the petitioner vide Laluk PS case no. 173/2024, Laluk PS case no. 160/2019, Laluk PS case no. 165/2019, Laluk PS case no. 79/2023 and Laluk PS case no. 34/2024. Except one, all the cases are relating to trafficking of narcotic drugs. It transpires that the accused/ petitioner is a habitual offender. Hence, prayer for bail is rejected.

9. Bail application is disposed of accordingly.

10. Case diary be returned back.

JUDGE

Comparing Assistant