

GAHC010261152024



2024:GAU-AS:13042

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

Case No. : Bail Appln./3779/2024

NANDA RAY
S/O LT. JAGIBAN RAY
R/O BAHRAMPUR
P.S. RAGHAPUR
DIST. BAISALI, BIHAR.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A DUTTA, MR. A GANGULY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.12.2024

1. Heard Mr. A. Dutta, learned counsel for the petitioner, Nanda Ray, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 10.08.2023 in connection

with NDPS Case No. 44/2024 arising out of GRPS Case No.135/2023 under Sections 20(b)(ii)(C) of the NDPS Act.

2. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. Learned Additional Public Prosecutor has raised serious objection against the bail petition. It is submitted that the medical report called from the Central Jail has not been received.

4. Learned counsel for the petitioner has submitted that the petitioner is 81 years old and the petitioner has allegedly been caught in possession with Ganja weighing 22.110 kgs, which is just above the commercial quantity.

5. The petitioner is willing to co-operate with the trial. The petitioner is ailing and he has submitted the medical documents. It is also submitted that the petitioner is suffering from ulcer and his life will be in peril if he is incarcerated for a prolonged period. Trial is being procrastinated by the prosecution as well as by the Court.

6. I have considered the submissions at the Bar with circumspection. I have considered the age of the petitioner. I have considered the submission that the petitioner is ailing from acute ulcer. It is also submitted at the Bar that the petitioner is suffering from hernia.

7. I have considered the submissions that the petitioner is willing to abide by

any stringent bail conditions if imposed upon him.

8. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail of Rs. 1,00,000/- (Rupees One lac) with a local surety of like amount to the satisfaction of the learned Trial Court under the conditions that:

(i) The petitioner shall refrain from such activities with which he is alleged, and

(ii) The petitioner shall cooperate with the trial.

9. The learned Trial Court may impose conditions to secure the attendance of the petitioner.

10. On breach of any of the bail conditions, the Jurisdictional Court is at liberty to immediately cancel the bail granted to the petitioner.

11. In terms of the above observation, anticipatory application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant