

GAHC010265472023



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

Case No. : Bail Appln./4319/2023

BIRINCHI DEORI
S/O- LT. DHANESWAR DEURI, RESIDENT OF MAJORCHAPORI,
NARAYANPUR, DISTRICT- LAKHIMPUR, ASSAM

VERSUS

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

Advocate for the Petitioner : MR J K Bhuyan

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

20.02.2024

Heard Mr. J. K. Bhuyan, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Addl. Public Prosecutor for the State/respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Birinchi Deori**, has prayed for grant of bail in connection with **Special (NDPS) Case No. 3/2023** arising out of **Laluk PS Case No. 195/2022** u/s **20(b)(ii)(c)/29** of the NDPS Act corresponding to G.R. Case No. 1127/2022, pending in

the court of learned Special Judge, Lakhimpur.

The scanned copy of case record, as called for, is placed before this Court.

The accused petitioner is behind the bar since last ten months.

Learned counsel for the petitioner submits that on the basis of the statement of co-accused, the name of the petitioner has been arrayed in the case but nothing was recovered from his possession. From the statement of the IO also it reflects that no any contraband was recovered from the possession of the petitioner and prayed that the petitioner may be enlarged on bail.

On the other hand Mr. D. P. Goswami, learned Addl. Public Prosecutor submits that out of 16 witnesses 15 witnesses have already been examined and at the fag end of trial, the bail prayer of the petitioner may not be considered depending on the merit of the case.

I have considered the submission made by the learned counsel for both the parties. It appears that already 15 witnesses were examined and at this stage, this Court does not incline to consider the case on its merit.

The bail application of the petitioner stands rejected. However, the learned Special Judge is directed to dispose of the matter within one month from the date of receipt of the order.

This disposes of the bail application.

JUDGE

Comparing Assistant