

GAHC010271062023



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

Case No. : Bail Appln./4420/2023

UMAKANTA KALITA @ UMA KT KALITA @ MAINA KALITA
S/O SABHAI KALITA @ SAVAI KALITA, R/O VILL-MAKRACHUK, P.S.-
DHAKUAKHANA, DIST-LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 05.01.2024

Heard Mr. M.H.Ahmed, learned Counsel for the petitioner and Ms. S.H.Borah, learned Addl.Public prosecutor for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Umakanta Kalita @ Uma Kt. Kalita @ Maina Kalita** has prayed for bail in connection with Special (NDPS) Case No.28/2023 under Section 20 ©/29 of the NDPS Act pending in the court of learned Additional Sessions Judge (FTC), Lakhimpur, North Lakhimpur .

Scanned copy of LCR is placed before the Court.

Learned counsel for the petitioner submits that petitioner had surrendered before the trial court on 11.8.2023 which itself reveals the fact that the petitioner is willing to cooperate with investigation of the case. The charge sheet was submitted on 30.06.2023 and out of 18 witnesses only two witnesses have been examined till date. It is further submitted by the learned counsel for petitioner that the petitioner has been languishing for more than 147 days in judicial custody. Learned counsel for the petitioner further submitted that this court dated vide order, dated 15.11.2023 in Bail Application No.3866/2023 granted bail to other two accused on the ground of length of detention as well as considering the little chance of disposing of the matter within a short period of time. In support of his submission learned counsel has cited judgment of *Rabi Prakash –vs- State of Orissa* reported in 2023 Live Law SC 533.

Per contra, learned Addl.P.P. has vehemently opposed in grant of bail to the petitioner by stating that commercial quantity of Ganja was recovered from the house of the petitioner. Charge was framed on 09.10.2023 and after that two witnesses were examined. There was no delay in examining the witnesses in the case.

I have considered the submissions of learned counsel for the parties. Also perused the scanned copy of LCR.

It reveals that commercial quantity of ganja was recovered from the house of the present petitioner. Earlier bail was granted to the wife and sister- in -law of the present petitioner. It appears that during search of house of the present petitioner, he was not found but his wife and sister –in- law were present and on being searched, commercial quantity of ganja was recovered and accordingly seized by the authority. From the LCR it also reveals that the petitioner was absconding during investigation and charge sheet was submitted against him along with two other co-accused showing him as absconder. Two witnesses were examined in the case.

In view of above, the prayer for bail is hereby rejected. However, learned trial court is directed to take initiative to dispose of the case early.

The bail application stands disposed of.

JUDGE

Comparing Assistant