

GAHC010277682023



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

Case No. : Bail Appln./4558/2023

RAM CHANDRA YADAV
S/O LATE HARI YADAV
R/O BELTOLA TINIALI
NEAR LAKHIMANDIR, LAKHIMIAGAR PATH, P.S. BASISTHA, GUWAHATI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S C DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 10.01. 2024

Heard Mr. S.C. Das, learned counsel for the petitioner, Sri Ram Chandra Yadav.

2. The petitioner has filed this bail application under Section 439 Cr.P.C. with prayer for bail as he is in jail since 16.07.2022 in connection with Borpathar P.S.

Case No. 16/2022 (Corresponding to NDPS Case No. 65 /2022) under Section 20(C) of NDPS Act, pending in the Court of the Special Judge, Karbi Anglong.

3. Also heard Mr. N.P. Goswami, learned Addl. Public Prosecutor for the State respondent.

4. It is submitted by the learned counsel for the petitioner that the petitioner has been languishing in Jail since 16.07.2022 for more than 1 (one) year 5 (five) months and out of 7 (seven) enlisted witnesses, 3 (three) witnesses have already been examined and the personal liberty of the petitioner has been curtailed. There is every possibility of acquittal of the petitioner in the trial.

5. The learned Addl. PP has raised serious objection and stated that out of 7 (seven) enlisted witnesses, 3 (three) witnesses were examined. PW 1 in his statement has supported the prosecution version and the petitioner is not entitled to bail. There is every possibility that trial will entail conviction. The rigours of Section 37 of the NDPS Act has the embargo as ganja weighing 477.093 KGs were recovered from the truck. The petitioner was arrested and he was found carrying the ganja.

6. I have considered the submissions at the Bar with circumspection.

7. This is not a fit case to consider the prayer for bail, as trial has not been procrastinated by the prosecution. Trial is going on at the regular phase and 3 (three) witnesses have been examined. The embargo of Section 37 of the NDPS Act acts as a fetter for bail. I have perused the deposition of the witnesses.

8. At this juncture, the prayer for bail is not granted and the same is rejected at this stage.

9. The learned trial Court is directed to expedite the trial for speedy disposal of the case.

10. With the above observations, bail application stands dismissed.

JUDGE

Comparing Assistant