

GAHC010288932023



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

Case No. : Bail Appln./4606/2023

BISWAJIT GHOSH
S/O LATE BRAJEN GHOSH,
R/O VILL- WARD NO. 14, GHOSHPARA,P.S. DHUBRI,
IN THE DISTRICT OF DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.04.2024

Heard Mr. S. Nawaz, learned counsel for the accused-petitioner as well as Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail

by the accused-petitioner, namely, **Biswajit Ghosh**, in connection with **Special Case No. 214/2023**, registered under Section **22(c) of NDPS Act**, pending in the court of learned Special Judge(Addl.), Dhubri, Assam.

3. The learned counsel for the petitioner submits that as per seizure list, two independent witnesses were present when contraband articles were seized from the possession of the accused/petitioner. However, both the witnesses were examined before the trial court as P.W.4 and P.W.5 but they did not support the case of the prosecution that they were present when the contraband articles were recovered from the possession of the accused/petitioner. So, as the seizure witnesses did not support the case of the prosecution, there is little chance of conviction of the accused/petitioner. It is further submitted that the allegation levelled against the petitioner which is totally false and concocted. Considering the period of detention, the petitioner may be enlarged on bail.

4. Learned Additional Public Prosecutor submits that out of 7 witnesses, 5 witnesses have already been examined by the prosecution. The trial is about to complete within a short span of time. Under such backdrop, he has prayed not to release the accused/petitioner on bail at this stage of trial.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the trial court record.

6. It appears that the accused was arrested on 15.03.2023. After completion of investigation, charge-sheet was submitted on 26.08.2023. Thereafter, charge was framed on 27.09.2023. The prosecution examined five witnesses out of seven witnesses. As such, at this stage end of trial,

interference by this Court is uncalled for.

7. Under the facts and circumstances of the case, the bail application is rejected. However, the learned trial court is directed to expedite the matter in disposing of the case early.

8. The bail application is disposed of accordingly.

JUDGE

Comparing Assistant