

GAHC010293972023



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

Case No. : Bail Appln./4703/2023

BHADRA DOHUTIA
S/O AKHESWAR DOHUTIA
R/O VILL- 1 NO. SORU MECHAI
P.S. KAKOPATHER,
DIST. TINSUKIA, 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
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

05.02.2024

Heard Mr S Nawaz, learned counsel for the petitioner, Bhadra Dohutia.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail as he is behind bars for 327 days, in connection with NDPS Case No. 35/2023, arising out of Khatkhati PS Case No. 26/2023, under Sections 21(c)/29 of the NDPS Act.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. It is submitted on behalf of the petitioner that charge was framed on 28.07.2023 and thereafter, 15 days have passed, but not a single witness has been examined.
5. The learned Additional Public Prosecutor has raised objection against the petition stating that the rigours of Section 37 of the NDPS Act acts as an embargo and he has submitted to reject the bail petition.
6. The allegation against the petitioner is that he was caught with 625.74 grams of heroin in the vehicle bearing Registration No. AS-02-G-4447 and he was the driver of the vehicle.
7. The petitioner is booked under a serious offence.
8. It is true that trial has been delayed to an extent, but at the same time, it cannot be opined that the trial has been procrastinated to such an extent, which may result in infringement of the personal liberty of the petitioner, at this juncture. However, further delay of the trial may result in infringement of personal liberty of the petitioner.
9. Petition with prayer for bail is rejected at this stage, as the rigours under Section 37 of the NDPS Act, comes into play. However, the learned trial Court is directed to expedite the trial for speedy disposal of the case, by resorting to Section 309 of the CrPC

and fixing block dates for examination of the witnesses. The petitioner is at liberty to file fresh bail petition, if trial is procrastinated any further.

10. Bail Application stands disposed of.

JUDGE

Comparing Assistant