

GAHC030003022023



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

Case No. : Bail Appln./22/2023

Sh. Animesh Debbarma
S/o Sushil Debbarma
R/o Shantinagar
Tripura.

VERSUS

Narcotic Control Bureau r/b the Zonal Director
Guwahati Zonal Unit
House No. 25
S.K. Baruah Road
Dispur
Guwahati
Assam - 781006

Advocate for the Petitioner : Mr. C Lalfakzuala
Advocate for the Respondent : Mr C Zoramchhana
Special Public Prosecutor

ORDER

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

19.01.2024

Heard Mr. C Lalfakzuala, learned counsel for the applicant and Mr. C Zoramchhana, learned Special Public Prosecutor appearing for the NCB. By filing this application under Section 439 Cr.PC read with Section 167(2) Cr.PC and Section 37 read with Section 36A(4) of the ND&PS Act, 1985, the petitioner prays for his enlargement on bail.

[2.] The case of the petitioner is that he was arrested on 18.08.2022 by the Special Narcotics Police Personnel for alleged possession of 10.134 kgs of methamphetamine. Accordingly, Special Narcotics Case No. 40/2023 dated 18.08.2023 under Section 22(c)/25 of the ND&PS Act, 1985 was registered and investigated into.

[3.] The petitioner applied for bail before the learned Trial Court being Bail Application No. 784/2023 by filing the same on 26.04.2023. However, the learned Trial Court vide Order dated 27.04.2023 rejected the bail application mainly on the ground that the Trial Court had granted extension of time for completing the investigation by another 180 days vide Order dated 21.02.2023 and had also allowed further detention of the petitioner in judicial custody. However, this Court vide Order dated 19.01.2024 passed in Crl. Pet. No. 7/2023 had set aside the impugned Orders dated 21.02.2023 & 27.04.2023 passed by the learned Trial Court allowing the extension of the investigation period and also the detention of the petitioner and the rejection of the bail application of the petitioner for the reasons

mentioned in the said order. The same is not being repeated in the present order for brevity.

[4.] Upon considering the bail application and upon hearing the parties including Mr. C Zoramchhana, learned Special Public Prosecutor appearing for the NCB, this Court is inclined to grant bail to the petitioner.

[5.] The petitioner is therefore directed to be released on bail upon him furnishing a bail bond of Rs. 50,000/- (Fifty Thousand) only with one local surety of the like amount. The surety should be a local resident within Aizawl City and duly certified by the Local Council where he or she resides. The petitioner is granted bail with a further condition that he will submit the complete address where he resides in the State of Tripura, which is duly certified by the SDPO concerned of the district where he resides in Tripura. The further condition imposed is that the petitioner will make himself available as and when he is summoned by the Court and participate in the trial proceedings without causing any hindrance. Absence from the trial proceedings without due permission from the Trial Court shall entail cancellation of this bail.

[6.] Bail application accordingly stands disposed of.

JUDGE

Comparing Assistant