GAHC010072702020

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

Case No. : Bail Appln. 1031/2020

1:AMARJYOTI DAS
S/O SRI GANESH DAS,
R/O VILL- NO. 2 TITKURI, P.S. RANGIA,
DIST. KAMRUP, ASSAM

VERSUS

1:THE STATE OF ASSAM
REP. BY PP, ASSAM

For the Applicant : Mr. B.K. Mahajan, Advocate.

For the Respondent : Mr. N.J. Dutta, Additional Public Prosecutor, Assam.

- B E F O R E -
HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA

ORDER

Date : 22-05-2020

Amarjyoti Das has filed this application for bail under Section 439 Cr.PC in Rangia Police Station Case No.368/2020 registered under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act").

2. The Court proceedings have been conducted through Video-Conferencing in view of the present scenario so as to maintain social distancing.

3. I have heard Mr. B.K. Mahajan, learned counsel for the applicant. Also heard Mr. N.J. Dutta, learned Additional Public Prosecutor, Assam, appearing for the respondent.

4. I have gone through the contents of the FIR. The FIR names 2(two) accused, who are non-applicants. Recovery of 10 Grams Heroin is said to have been made from Jaidul Ali, co-accused.

5. Contention of learned counsel for the applicant is that no recovery has been effected from the applicant. It appears that co-accused gave statement while in custody to the effect that Heroin has been supplied by the applicant, whereupon the applicant has been taken in custody.

Learned counsel for the applicant has impressed on the Court that the applicant has no criminal history.

6. Considering the fact that the recovery has not been effected from the applicant; the quantity of material recovered is less than commercial; the applicant is not named in the FIR; the case of the prosecution hinges on the statement of the co-accused recorded while he was in custody, the application is allowed.

7. Bail to the satisfaction of Additional District & Sessions Judge, Rangia/Special Judge.

8. Heavy surety.

CHIEF JUSTICE

Comparing Assistant