GAHC010167012020

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

Case No. : Bail Appln./2562/2020

SADHANA HALDAR AND ANR
W/O. LT. NIMAI HALDAR, VILL. KRISHNAPUR JL NO.74, P.S. LALGOLA,
DIST. MURSIDABAD (W.B.)

2: SMT. SWAPNA BANIK
W/O. LT. NARAYAN BANIK
VILL. WARD NO.1 HOJAI TOWN BIHUTOLI LINK PATH
P.S. AND DIST. HOJAI
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR T THAKURIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

09.12.2020

Heard Mr. T. Thakuria, learned counsel for the accused-petitioners and Mr. N.K. Kalita, learned Addl. PP Assam for the State/respondent.

By this petition under Section 439 Cr.P.C., the petitioners, namely, **Smti. Sadhana Haldar and 2. Smti Swapna Banik** have prayed to release them on bail, in connection with **GRPS Case No. 67/2020** under Sections 20(b)/29 of the NDPS Act.

The case diary, as called for, is placed before the Court.

Mr. T. Thakuria, learned counsel, appearing for the accused-petitioners, submits that the accused-petitioners are behind the bar for 60 days and as such, considering the length of detention their bail prayer may be considered.

Mr. N.K. Kalita, learned Addl. Public Prosecutor, Assam, fairly submits that the seized ganja is of intermediate quantity being weighed 10 Kgs and they have been behind the bar for last 60 days, therefore, their further detention may not be necessary in the interest of investigation.

Having regard to the quantity of the contraband substance recovered and seized from the possession of the accused-petitioners and length of detention, this Court is of the view that further detention of the accused petitioners may not be necessary for the purpose of ongoing investigation.

Accordingly, it is directed that **each** of the accused-petitioners named above, shall be released on bail of **Rs. 50,000/-** (Rupees Fifty Thousand) only, with one surety of the like amount to the satisfaction of the learned **Special Judge (NDPS Act), Kamrup(M) at Guwahati**, subject, of course, to the following conditions:

1. That the accused-petitioners shall co-operate in the investigation as and when required;

2. That the accused-petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts either to the Court or to any police officer;

3. That the accused-petitioners shall not hamper or temper with the investigation in any manner; and

4. That the accused-petitioners shall not commit any offence similar to the offence, of which

they are accused or suspected commission.

This disposes off the bail application.

Return the case diary.

JUDGE

Comparing Assistant