GAHC010168832020

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

Case No. : Bail Appln./2621/2020

OTEM PADUNG
S/O LATE NIREN PADUNG, R/O VILL-OYEN, P.S.-OYEN SILLEY, DIST-EAST SIANG, ARUNACHAL PRADESH, P/R/O ABON LEKU, P.S.-JONAI, DIST-DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B K GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 01-12-2020

This application under Section 439 Cr.PC, has been filed praying for bail of the petitioner, namely, Sri Otem Padung, who is in detention in connection with Jonai PS Case No. 75/2020 (GR No. 119/2020) under Section 21(b)/27(a) of NDPS Act.

Heard Mr. B.K. Gogoi, learned counsel for the petitioner and Mr. B.B. Gogoi,

learned Addl. P.P. for the State of Assam.

Perused the FIR and the documents annexed with the petition.

Learned counsel for the petitioner submits that the petitioner has been in custody for 62 days, however, no charge sheet has been filed as yet. Learned Addl. P.P. also confirms that charge sheet has not been filed. This being the position, the petitioner having been in custody beyond the statutory period, he is entitled to default bail. Accordingly, the petitioner is allowed to be enlarged on bail of Rs. 20,000/- with one suitable surety of the like amount to the satisfaction of the learned CJM, Dhemaji, subject, of course, to the following conditions:

1. The accused petitioner shall co-operate in the investigation as and when required;

2. The accused petitioner 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. The accused petitioner shall not commit any similar offence, of which he is accused or suspected commission.

Bail application is disposed of.

JUDGE

Comparing Assistant