GAHC010177792020

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

Case No. : Bail Appln./2765/2020

JAGAT DUTTA @ DEEP
S/O BINOY DUTTA, R/O SHIV NAGAR, P.O.-NAGAON, P.S.-NAGAON, DIST-NAGAON, ASSAM, PIN-782001

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

O R D E R

21-12-2020.

By filing this petition under Section 439 of the CrPC, petitioner Jagat Dutta @ Deep, who is in custody since 29.08.2020, has prayed for releasing him on regular bail in connection with the Nagaon P.S. Case No.2075/2020, under Section 21(c)/22(b)/29 of the NDPS Act.

Heard the learned counsel for both sides and perused the case diary.

As per the FIR and the materials in the case diary, it indicate that while conducting search in the rented premises of one Rubia Begum, the police officials recovered 9 grams of suspected heroin along with some other articles like cough syrup, capsules, etc. The same were seized and as at the time such search and seizure, some other persons were found present in the house of prime accused Rubia Begum and they were also arrested and the present petitioner is one of them.

The investigation so far carried out could not reveal anything that the present petitioner is also associated with the said accused and however some evidence has come up to the effect that the present petitioner used to consume such drugs and in that case, he is not paddler also. Mere presence in the house of the prime accused at the time of recovery of articles, without any further any evidence to suggest the complicity of the present petition, this Court is of the opinion that the rigor of Section 37 of the NDPS Act will not come into play.

Considering all entirety and the length of detention since 29.08.2020, the accused person named above is allowed to go on regular bail of Rs.20,000/- with one surety of like amount, to the satisfaction of learned Special Judge, Nagaon, in connection with the Nagaon P.S. Case No.2075/2020.

The bail petition stands allowed.

Return the case diary forthwith.

JUDGE

Comparing Assistant