

BA 23/2018
BEFORE
HON'BLE MR. JUSTICE AJIT BORTHAKUR

Heard Mr. L. Perme, learned counsel appearing for the petitioner and Ms. M. Tang, learned Addl. Public Prosecutor, Arunachal Pradesh.

By this application filed under Section 439 read with Section 37 of the NDPS Act, the petitioner, namely, Shri Mai Pol has prayed to release his wife/ accused Smti. Nabam Ania, who has been detained in connection with Naharlagun P.S. Case No. 92/2018 under Section 20 (A) of the NDPS Act.

The Case Diary, as called for, is placed before the Court.

Mr. Perme, learned counsel for the petitioner, submits that on 24.05.2018 at about 08.00 PM, the Police raided the house of the accused and recovered and seized 660 gms. of Ganja (cannabis). Mr. Perme, further submits that this is the 2nd bail application, the earlier one was BA 19 (AP) 2018, which was rejected by this Court vide order, dated 14.06.2018, on the ground, that the accused was not co-operating in the investigation. According to Mr. Perme the offence under Section 20 (A) of the NDPS, Act is a bailable offence and as such, bail is a matter of right. Mr. Perme also submits that the accused has three children of the age group 3-8 years and in her absence, the children are suffering a lot.

Ms. Tang, learned Addl. Public Prosecutor submits that 660 gms. of Ganja (cannabis) was recovered from the house of the accused and the investigation into the case is almost completed except waiting for the FSL report. Ms. M. Tang, further submits that the accused is not co-operating with the investigating officer.

The case relates to recovery of 660 gms. of Ganja (cannabis) from the house of the accused, on receipt of an information by Police that she was engaged in selling of Ganja to juveniles.

On perusal of the Case Diary, it is revealed that there is prima facie incriminating evidence against the petitioner. The investigation is almost completed. Therefore, detention of the accused, who is a woman, in the interest of further investigation is not warranted.

For the above stated reasons, the accused, Smti. Nabam Ania, is directed to be released on bail of Rs.10,000/- with one surety of the like amount to the satisfaction of the learned Special Judge (NDPS, Act), Yupia, Arunachal Pradesh.

The above bail order shall, however, be subject to the following conditions:-

(a) that the accused 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 any Police Officer or to the Court and shall not tamper with the evidence;

(b) that the accused shall not commit an offence similar to the offence, of which she is suspected of commission; and

(c) that the accused shall co-operate in the investigation of the case, as and when required.

With the above direction, this bail application stands disposed of.

Return the Case Diary to the learned Addl. Public Prosecutor, Arunachal Pradesh.