

GAHC010264622019



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

Case No. : Bail Appln. 3358/2019

1:MONUJ BORGHAIN
S/O LATE DIMBESWAR BORGHAIN, R/O VILL-NO.1 KARUNA BARI, P.S.-
LALUK, DIST-LAKHIMPUR, ASSAM

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 31-10-2019

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Sri Monuj Borgohain**, in connection with **North Lakhimpur Police Station Case No. 1119 of 2019**, registered under **Section 22(b) of the NDPS Act**.

I have perused the petition including the copy of the FIR and the documents annexed therewith.

Heard Mr. D Talukdar, learned counsel appearing for the accused-petitioner and Mr. PP Baruah, learned Public Prosecutor, appearing for the State.

The accused-petitioner has been in custody with effect from 14-09-2019, for a period of 47 days as on date.

The statutory period for completion of investigation of a case of the *instant nature, i.e., under Section 22(b) of the NDPS Act, is 60 days.

The petitioner has taken the plea that he could not show documents of seized drugs at the time of seizure. He is an employee of Assam Medical Hall and on behalf of Assam Medical Hall, those drugs were purchased under valid documents and copies of those documents are, now, produced. On examination of the same, it does not appear that further custodial detention of the accused-petitioner is necessary in the interest of investigation of the case. Therefore, he is granted bail.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of learned jurisdictional Special Judge under the NDPS Act.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of learned jurisdictional Special Judge under the NDPS Act, without prior written permission from him;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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 to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant