

GAHC010099112021



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

Case No. : Bail Appln./1454/2021

GAJANAN SARMAH @ GAJANANAH SHARMA
S/O SRI MADANLAL SARMAH, R/O VILLAGE BENGNAKHOWA
GOLAGHAT, PS GOLAGHAT, DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. M ALOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

30-07-2021

The Court proceedings have been conducted through Video-Conference due to Covid-19 pandemic.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Sri Gajanan Sarmah @ Gajananah Sharma**, in connection with **Borpathar Police Station Case No. 73/2021**, registered under **Sections 17(b)/27 of the NDPS Act**.

Heard Mr. K. Baruah, learned counsel appearing for the petitioner and Mr. D.P. Goswami, learned Additional Public Prosecutor.

Mr. Goswami, learned Additional Public Prosecutor has submitted that the case diary has not been received.

On the other hand, the learned counsel for the petitioner has submitted that the accused-petitioner has been in custody for 59 days as on date with effect from the date of his remand. The statutory period for completion of investigation in this case is 60 days which will be completed on 01-08-2021. Since 01-08-2021 is a holiday, in the considered view of this court, the petitioner needs to be granted bail considering the length of detention. Therefore, the petitioner 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.25,000/-** with **two suitable sureties, each** of the like amount, to the satisfaction of learned Special Judge, Golaghat.

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

- (a) shall not leave the territorial jurisdiction of learned Special Judge, Golaghat, without prior written permission from him;
- (b) shall not hamper with the investigation of the case and 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