

GAHC040001602025



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

Case No. : BA/20/2025

Atar Natung
Wife of Badal Natung, permanent resident of Bhalukpong, PO and PS Bhalukpong,
West Kameng District, Arunachal Pradesh.

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Gautam Phukan,

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JU **-BEFORE-**
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

31.01.2025

Heard Mr. G. Phukan, learned counsel for the accused petitioner and
Mr. T. Ete, learned Addl. PP for the State of Arunachal Pradesh.

2. This application under Section 483 of BNSS, 2023 has been filed by
the petitioner, namely, Shri Atar Natung seeking bail of the accused
person, namely, Shri Badal Natung who has been detained behind the bar
since 13.08.2024 in connection with Chimpu P.S. Case No. 59/2024 under

Section 21 (a)/27 NDPS Act.

3. The learned counsel for the accused petitioner has submitted that the petitioner was earlier granted with the privilege of bail by the learned Trial Court, however, the same was cancelled as during the operation of the said bail order, the accused was found indulged in another similar offence concerning the Narcotic drugs and Psychotropic substance.

4. The learned counsel for the accused petitioner has also submitted that the trial Court by an order dated 16.01.2025 had rejected bail application filed by the accused on the ground that the accused has been found of having indulge in another similar offence again and again. The learned counsel for the petitioner further submits that the accused undertakes not to repeat the offence in future and as the trial is pending at the stage of evidence, he may be allowed to go on bail so that he can pursue his defence before the trial Court properly.

5. On the other hand, Mr. T. Ete, learned Addl. PP has vehemently opposed the prayer for grant of bail to the accused on the ground that it is not a case where the bail was not granted by the learned Trial Court. However, after getting the benefit of bail, the accused has misused the liberty by violating the conditions of the bail by indulging in another similar offence again.

6. I have considered the submissions made by the learned counsel for the petitioner as well as by the learned Addl. PP and have gone through the materials available on record, this Court on perusal of the order dated 16.01.2025 finds no fault in the said order as the bail was rejected by the

Sessions Court on finding that even during the period when the accused was on bail, the accused was found indulging in offences regarding Narcotic drugs and Psychotropic substance and therefore, he misused his liberty while on bail. Therefore, this Court does not find any fault in the order of the learned Trial Court. For the same reasons, the prayer of bail of the present petitioner is rejected. However, it is hereby made clear that the accused petitioner may approach the learned Trial Court again, if so advised, and pray for bail before the said Court. Under such circumstances, this Court is of the considered opinion that during the pendency of the trial, the Trial Court is the best Court to decide whether to grant bail or not.

7. This bail application is accordingly **disposed of**.

JUDGE

Comparing Assistant