

Crl. Misc. (B) Case No. 121/2022

ORDER

05-04-2022

This is a bail application under Section 439 CrPC, supported by an affidavit, submitted by the learned Counsel praying for granting bail to accused Sri Binay Sharma in connection with Chabua PS Case No. 27/2022 corresponding to GR Case No. 281/2022 under Sections 21(b)/29 of NDPS Act.

Case Diary called for has been received.

Heard the learned counsel for the accused and the learned Public Prosecutor.

The allegation as per FIR dtd. 16.02.2022 of SI Krishnakanta Sarma is that on the basis of secret information, police conducted naka checking near TCP Jerai Sokolibhoria Bypass and apprehended accused Sri Bikash Sharma and co-accused Binay @ Vinay Sharma, in a red coloured Chevrolet spark car with three small plastic boxes containing in total, 35 grams of suspected Brown Sugar/Heroin, one red coloured Chevrolet Spark car bearing registration No. AS06K9772, one Redmi Mobile Handset vide IMEI No. 867965045180938 and 867965045180946 along with SIM cards vide SIM No. 8822352626 and One Nokia Mobile handset vide IMEI No. 356056199939945 along with SIM card vide SIM No. 8453334512.

Learned Counsel for the accused submits that the accused has been falsely implicated in the instant case; that the FIR itself states that the suspected Heroin/Brown Sugar was recovered from the vehicle. The said vehicle, submits the learned Counsel, was purchased two days prior from the date of lodging FIR; that the accused is not the owner of the vehicle from which the substance was recovered and that no recovery was made from the actual possession of the accused.

Learned Counsel for the accused further submits that the co-accused Sri Bikash Sarma was enlarged on bail in connection with the same Chabua PS

case on 16-03-2022 after perusal of the Case Diary and the present accused who stands on the same footing, also ought to be released on bail.

Perused the Case Diary.

On perusal of the Case Diary, it is revealed that the investigation is at the stage of collection/receipt of report of examination of suspected contraband alleged to have been seized from the red coloured Chevrolet Spark No. AS-06-K-9772 in which both the accused persons namely, Sri Bikash Sarma and Sri Binay Sharma were travelling. Hence, considering the stage/progress of investigation, this Court is of the considered view that further detention of the accused Sri Binay Sharma is not required.

It is directed that the accused person namely, Sri Binay Sharma be released on bail of Rs. 30,000/- with one surety of like amount in connection with Chabua PS Case No. 27/2022.

It is further directed that the said accused person (i) shall not commit an offence similar to the offence of which he has been suspected of; (ii) fully cooperate in the investigation of the case and appear before the investigating officer as and when required and (iii) he 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/her from disclosing such facts to the Court or to any other police officer or tamper with the evidence.

Return the Case Diary along with a copy of this order.

Misc. CrI. (B) Case accordingly stands disposed of.

5.4.2022

Sessions Judge,
Sessions Judge
Dibrugarh