

GAHC010036162024



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

**Case No. : Bail Appln./532/2024**

TRIDIP KALITA  
S/O LATE SAMINDRA KALITA  
R/O QTR NO. 260, HENGRABARI PUBLIC HEALTH COMPLEX, GUWAHATI,  
P.S. DISPUR,  
P.O. HENGRABARI  
DIST. KAMRUP (M), ASSAM  
M- 8638284127

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner : MR N G SHARMA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**01.03.2024**

Heard Mr. N.G. Sharma, learned counsel for the accused and also heard Mr. P.S.

Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Tridip Kalita, who has been languishing in jail hazot since 12.01.2024, in connection with Juria P.S. Case No.15/2024, under Section 21(b)/29 of the NDPS Act, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Subrata Sinha on 13.01.2024. The essence of allegation made in the aforesaid FIR is that acting on a tip off, on 12.01.2024, at about 4:40 p.m., they have apprehended two persons, namely, Tridip Kalita and Hira Goswami and recovered 5.22 gm of Heroin with one motorcycle from their possession.

4. Mr. Sharma, learned counsel for the accused, submits that the accused was arrested on 12.01.2024, and since then he has been languishing in jail hazot for last 50 days and that his further custodial detention may not be required in the interest of investigation and therefore, it is contended to allow the petition.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary and therefore, prays for fixing the matter on Monday for producing the case diary before this Court.

6. Having heard the submission of learned Advocates for both sides, I have carefully gone through the petition and the documents placed on record.

7. It appears from the record that 5.22 gm of suspected Heroin was recovered from the possession of the accused person, which is slightly higher than the small quantity and the accused has been languishing in jail hazot for last 50 days.

8. Having regards to the period of detention and also having regards to the nature and gravity of the offence, this Court is inclined to allow this petition. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned Special Judge (NDPS Act), Nagaon, the accused, namely, Tridip Kalita, be

enlarged on bail.

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

*Sd/- Robin Phukan*  
**JUDGE**

**Comparing Assistant**