

**IN THE HIGH COURT OF SIKKIM
CRIMINAL APPELLATE JURISDICTION**

Bail Appln. No. 02 OF 2016

Ajit Kumar Gupta,
S/o Krishna Kumar Gupta,
R/o Jorethang,
South Sikkim. ----- Applicant.

-VERSUS-

The State of Sikkim,
Through Public Prosecutor,
High Court of Sikkim, Gangtok,
East Sikkim. ----- Respondent.

PETITIONER
ADVOCATE (S)
FOR ----- Mr. Manish Kumar Jain.

RESPONDENT
ADVOCATE (S)
FOR ----- J. B. Pradhan, Public Prosecutor, Mr. Karma
Thinlay, Addl. Public Prosecutor, Mr. S. K. Chettri,
Asstt. Public Prosecutor and Ms. Pollin Rai, Asstt.
Public Prosecutor.

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
02.	30.03.16	BAIL APPLN. No. 02/2016 BEFORE MR. JUSTICE S. K. SINHA, CJ. Present: Mr. Manish Kumar Jain, Advocate for the Applicant. Mr. Santosh Kr. Chettri and Ms. Pollin Rai, Assistant Public Prosecutors for the State. ... Arguments heard. Order dictated in open Court. Typed separately, signed and dated. Chief Justice 30.03.2016

pm/jk Index : Yes / No
Internet : Yes / No

HIGH COURT OF SIKKIM, GANGTOK
(Criminal Jurisdiction)

Bail Appln No. 02 of 2016

APPLICANT

Ajit Kumar Gupta,
S/o Krishna Kumar Gupta,
R/o Jorethang, South Sikkim.

Versus

RESPONDENT

The State of Sikkim,
Through the Public Prosecutor,
High Court of Sikkim,
Gangtok, East Sikkim.

Bail Application under Section 439 of the Code of
Criminal Procedure, 1973

Appearance :

Mr. Manish Kumar Jain, Advocate for the Applicant.

Mr. Santosh Kr. Chettri and Ms. Pollin Rai, Asstt. Public
Prosecutors for the State.

O R D E R (Oral)

(30.03.2016)

Following Order of the Court was dictated on Board by

SUNIL KUMAR SINHA, CJ.

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of regular bail to the Applicant, who has been arrested in connection with FIR No. 36(9)2015 registered at Police Station Melli, District South Sikkim. The case of the prosecution is that the Applicant along with his co-accused, Subash Tamang, was travelling in the car of Subash

Tamang in which huge quantity of controlled substance were found. The contents of the final report would show that five files of Spasmo Proxyvon capsules amounting to Rs.875/- were seized from the possession of the Applicant and the Applicant is facing charges u/S. 9(d) of SADA, 2006 r/w Sec. 34 IPC and Rule 17 (1) of SADR, 2007, r/w Sec. 14 of SADA, 2006 further r/w Sec. 34 IPC.

2. Mr. Manish Kr. Jain, learned counsel appearing for the Applicant has argued that the above controlled substance were recovered from the vehicle which were kept under the front seat and the Applicant, who was just accompanying the co-accused, was having no knowledge about the said contraband kept in the vehicle. He has also argued that the Applicant has already been in custody since last about six months and disposal of the trial is likely to take some more time, therefore, looking to the long detention of the Applicant and also on the alleged quantity of controlled substance seized from his possession, he may be enlarged on bail.

3. On the other hand, Mr. Santosh Kr. Chettri, learned Asstt. Public Prosecutor, appearing on behalf of the State has opposed these arguments. However, he has not disputed that as per the seizure memo only five files of Spasmo Proxyvon capsules were shown to be seized from the possession of the Applicant and that the Applicant is in jail since 29.09.2015.

4. Considering the facts and circumstances of the case, particularly, considering the quantity of the controlled substance

allegedly seized from the possession of the Applicant as also that the Applicant is in jail since 29.09.2015 and the disposal of the trial may take some more time, I am of the view that present is a fit case to enlarge the Applicant on bail.

5. Accordingly, the Application is allowed and it is directed that the Applicant shall be enlarged on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court, for his appearance before the said Court on each date of hearing till the disposal of the trial.

6. Certified copy as per the Rules.


Chief Justice
30.03.2016

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