

BA. No. 9 of 2014

27.3.2014

HON'BLE THE CHIEF JUSTICE

Shri. AH Hazarika. Advocate, present for the applicant.

Shri. ND Chullai, Sr. Govt. Advocate, present for the respondents.

Heard.

By means of this Bail Application, the applicant has sought release of Mukul Hassan on bail, who is accused in Dalu P.S. Case No. 8 (2) of 2014 relating to offence punishable under Section 22 (c) and 23 (c) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the applicant pleaded that the accused has no criminal history. He further submitted that the accused has been falsely implicated. It is also pleaded that the Codeine Phosphate in 563 bottles of cough syrup which are said to have been recovered from 3 persons carried in the vehicle, weighs less than 6 grams, and the maximum small quantity under Entry 28 of the Schedule of the Act is 10 grams. It is also pointed out that it is not clear as to from whom out of the three accused the recovery was made. Lastly, it is argued that even if the case of prosecution is accepted, only provisions of Drug Control Act would get attracted.

In the above circumstances, without expressing any opinion as to the final merits of the case, this Court is of the view that accused, Shri Mukul Hassan deserves bail.

Accordingly, bail application is allowed. Let accused, Mukul Hassan, be released on bail on executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Special Judge/ Sessions Judge, Tura.

(Prafulla C.Pant)
CHIEF JUSTICE

S.Rynjah

BA. No. 10 of 2014

27.3.2014

HON'BLE THE CHIEF JUSTICE

Shri. AH Hazarika. Advocate, present for the applicant.

Shri. ND Chullai, Sr. Govt. Advocate, present for the respondents.

Heard.

By means of this Bail Application, the applicant has sought release of Md. Abdul Faruk on bail, who is accused in Dalu P.S. Case No. 8 (2) of 2014 relating to offence punishable under Section 22 (c) and 23 (c) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the applicant pleaded that the accused has no criminal history. He further submitted that the accused has been falsely implicated. It is also pleaded that the Codeine Phosphate in 563 bottles of cough syrup which are said to have been recovered from 3 persons carried in the vehicle, weighs less than 6 grams, and the maximum small quantity under Entry 28 of the Schedule of the Act is 10 grams. It is also pointed out that it is not clear as to from whom out of the three accused the recovery was made. Lastly, it is argued that even if the case of prosecution is accepted, only provisions of Drug Control Act would get attracted.

In the above circumstances, without expressing any opinion as to the final merits of the case, this Court is of the view that accused, Md. Abdul Faruk deserves bail.

Accordingly, bail application is allowed. Let accused, Md. Abdul Faruk, be released on bail on executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Special Judge/ Sessions Judge, West Garo Hills, Tura.

(Prafulla C.Pant)
CHIEF JUSTICE

S.Rynjah

MC[WP(C)] No. 34 of 2014

In WP(C). No. 40 of 2014

27.3.2014

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in WP(C) No. 40 of 2014,
this Misc. Case also stands dismissed.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 40 of 2014

27.3.2014

HON'BLE THE CHIEF JUSTICE

None present for the petitioners.

Shri ND Chullai, Sr. Govt. Advocate, assisted by Shri KP Bhattacharjee, Govt. Advocate, present for the respondents.

It appears that this writ petition has become infructuous as pointed out by learned counsel for the respondents.

Therefore, this writ petition is dismissed as infructuous.

S.Rynjah

**(Prafulla C.Pant)
CHIEF JUSTICE**

WP(C). No. 119 of 2014

27.3.2014

HON'BLE THE CHIEF JUSTICE

Ms. R.Dutta, Advocate, present for the petitioner.

Mr. ND Chullai, Sr. Govt. Advocate, assisted by Mr. KP Bhattacharjee, Govt. Advocate, present for the respondents.

List this matter tomorrow before the Division Bench.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 120 of 2014

27.3.2014

HON'BLE THE CHIEF JUSTICE

Shri BK Deb Roy, Advocate, present for the petitioner.

Shri R.Deb Nath, CGC, present for the respondents.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file the counter affidavit.

List after 4(four) weeks.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 121 of 2014

27.3.2014

HON'BLE THE CHIEF JUSTICE

Shri RK Jahrin, Advocate, present for the petitioner.

Shri KP Bhattacharjee, Govt. Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed 4(four) weeks' time to file the counter affidavit.

List after 4(four) weeks along with WP(C) No. 59 of 2014 and WP(C) No. 60 of 2014.

S.Rynjah

CHIEF JUSTICE

WP(C). No. 126 of 2012

Mr.P.Nongbri, Advocate, present for the petitioners.

Mr ND Chullai, Sr. Govt. Advocate, Mrs. NG Shylla, Govt. Advocate, Mr. HL Shangreiso, Advocate, present for the respondents.

ORDER**27-3-2014****HON'BLE PRAFULLA. C.PANT, CHIEF JUSTICE**

The issue raised in this writ petition has already been answered in the judgment and order dated 10-3-2014 passed by the Division Bench of this Court in WA. No. 23 of 2011 whereby it has been held that no further appointments can be made from the waiting list of select list, after it has exhausted its life.

Therefore, the writ petition stands disposed of in terms of the judgment and order dated 10-3-2014 passed in WA.No. 23 of 2011 without disturbing the appointments if any, made from the select list of the present case, during the pendency of this writ petition.

S.Rynjah

(Prafulla C.Pant)
CHIEF JUSTICE

WP(C). No. 127 of 2012

Mr.P.Nongbri, Advocate, present for the petitioners.

Mr ND Chullai, Sr. Govt. Advocate, Mrs. NG Shylla, Govt. Advocate, present for the respondents.

ORDER**27.3.2014****HON'BLE PRAFULLA. C.PANT, CHIEF JUSTICE**

The issue raised in this writ petition has already been answered in the judgment and order dated 10-3-2014 passed by the Division Bench of this Court in WA. No. 23 of 2011 whereby it has been held that no further appointments can be made from the waiting list of select list after it has exhausted its life.

Therefore, the writ petition stands disposed of in terms of the judgment and order dated 10-3-2014 passed in WA.No. 23 of 2011 without disturbing the appointments if any, made from the select list of the present case, during the pendency of this writ petition.

(Prafulla C.Pant)
CHIEF JUSTICE

S.Rynjah

WP(C). No. 128 of 2012

Mr.P.Nongbri, Advocate, present for the petitioners.

Mr ND Chullai, Sr. Govt. Advocate, Mrs. NG Shylla, Govt. Advocate, Mr. HL. Shangreiso, Advocate, Mr.S.Sen, Advocate, present for the respondents.

ORDER**27-3-2014****HON'BLE PRAFULLA. C.PANT, CHIEF JUSTICE**

The issue raised in this writ petition has already been answered in the judgment and order dated 10-3-2014 passed by the Division Bench of this Court in WA. No. 23 of 2011 whereby it has been held that no further appointments can be made from the waiting list of select list after it has exhausted its life.

Therefore, the writ petition stands disposed of in terms of the judgment and order dated 10-3-2014 passed in WA.No. 23 of 2011 without disturbing the appointments if any, made from the select list of the present case, during the pendency of this writ petition.

**(Prafulla C.Pant)
CHIEF JUSTICE**

S.Rynjah