

GAHC010097472023



undefined

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

Case No. : CrI.A./171/2023

BIPIN KUMAR AND ANR.
S/O DHARMENDRA KUMAR
RESIDENT OF VILLAGE AND PS BAKTIARPUR, DIST PATNA BIHAR

2: VIRA MAHATO
S/O LATE BASANTA MAHATO

VILLAGE GULAMAHIYA CHOK
PS MOJIPUR NADDI
DIST PATNA
BIHAR

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : M PATHAK, S DAS,MR. P K DAS

Advocate for the Respondent : PP, ASSAM,

Linked Case : CrI.A./219/2023

SURAJ KUMAR ROY
S/O KISANDEV ROY
R/O KUMARDUBI
KALYARI
P.S.- CHIRKUNDI

DIST.- DHANBAD
JHARKHAND
PIN- 828202.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE PUBLIC PROSECUTOR
ASSAM

2:SANJIB CHOUDHURY
S/O LATE SUNIL CHOUDHURY
VILL.- ABHAYAPURI
WARD NO. 3
P.S.- ABHAYAPURI
DIST.- BONGAIGAON
ASSAM.

Advocate for : MR. S MITRA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

23.04.2026

(M. Zothankhuma, J)

Heard Mr. S Mitra, learned counsel for the appellant in Criminal Appeal No. 219/2023. Also heard Mr. M Pathak, learned counsel for the appellants in Criminal Appeal No. 171/2023.

Mr. R R Kaushik, learned Additional Public Prosecutor, Assam appears for the State.

These two appeals have arisen out of the same impugned judgment and order dated 09.03.2023 passed by the learned Special Judge, Bongaigaon in

Special (Nar) Case No. 23(BGN)/2022, convicting all the three appellants under Section 20 (b)(ii)(c) of the ND&PS Act. The appellants have thereafter been sentenced to undergo rigorous imprisonment for 15 (fifteen) years and to pay a fine of Rs. 1,00,000 (one lakh) each, in default of payment of fine, further simple imprisonment for 6 (six) months.

The prosecution's case in brief is that the appellants were apprehended by the police on 13.02.2022 at about 13:38 PM at New Bongaigaon Railway Station on arrival of the Deogarh Express Train and a search of their blue trolley bag and plastic sack showed that they had carried 21.1 Kgs of Ganja. The blue trolley bag of Suraj Kr. Roy contained 10.21 Kgs. of Ganja, while the plastic sack belonging to the other two appellants, i.e., Bipin Kumar and Vira Mahato contained 10.8 Kgs. of Ganja.

Arguments concluded.

Judgment reserved.

JUDGE

JUDGE

Comparing Assistant