

GAHC010005552023



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

Case No. : Bail Appln./118/2023

MOHIBUL RAHMAN @ LOVLU
S/O LATE FAIZUR ALI,
R/O KANAKLATA PATH SUNDARBAN NAGAR, H/NO- 62,
P.S.- HATIGAON, DIST.- KAMRUP (METRO), ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 20-01-2023

Heard Mr. F Haque, learned counsel for the accused and also heard Mr. R.R. Kaushik, learned Addl. PP, appearing for the State respondent.

This application under section 439 Cr.P.C., is preferred by

accused, namely, Mohibul Rahman @ Lovlu, who has been languishing in jail hajot in connection with Hatigaon PS Case No.555/2022, under section 21(b)/29 NDPS Act, since 28.12.2022, for grant of bail.

The said case has been registered on the basis of one FIR lodged by one WSI (P) Rinki Hazarika on 09.12.2022. The allegation leveled in the FIR is that on 09.12.2022, 7 gms of suspected brown sugar was recovered from the joint possession of one Sahil Ali and Salim Ali.

Mr. Haque, the learned counsel for the accused submits that the accused is behind the bar for the last 23 days and the quantity of contraband substance recovered from the possession of the co-accused is 7 gms and that he is ready to cooperate with the investigating agency and nothing has been found in the possession of the accused and therefore, it is contended to allow this petition.

On the other hand, Mr. RR Kaushik, learned Addl. PP has produced the case diary before this Court and submits that the FSL report is yet to be collected, however, the IO has already examined the witnesses here in this and in view of the materials available in the case diary, Mr. Kaushik has contended to dismiss the petition.

Having heard the submission of learned Advocate for both the sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of learned Addl. PP.

It appears that the accused was arrested on 28.12.2022 and forwarded to jail hajot on the same day and since then, he is behind the bar for the last 23 days and it appears from the forwarding report

dated 28.12.2022 and also from the seizure list dated 28.12.2022 that the quantity of contraband substance allegedly recovered from the possession of the co-accused is 7 gms and nothing has been recovered from his possession.

Having considered the stage of investigation and also the quantity of contraband substance recovered from the possession of the co-accused and that nothing was recovered from the present accused and further considering the period of detention, this Court is inclined to grant bail to the accused and accordingly, it is provided that on furnishing a bond of Rs.25,000/-, with one surety of the like amount, to the satisfaction of the learned CJM, Kamrup (M), the accused be enlarged on bail.

In terms of the above, the bail application stands disposed of.

JUDGE

Comparing Assistant