

GAHC010006762023



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

Case No. : Bail Appln./128/2023

MD HAZARAT ALI
S/O- LT. JALAL UDDIN, R/O- VILL NO. 3 MALIBARI PATHAR, P.S. BOKO,
DIST.- KAMRUP, ASSAM

VERSUS

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

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 27-01-2023

Heard Mr. F. Haque, learned counsel for the petitioner as well as Mr. B.B. Gogoi, learned APP for the State.

The petitioner, namely, Md. Hazarat Ali who was arrested on 18.12.2022, is seeking regular bail under section 439 Cr.P.C. in connection with Boko P.S. case no.587/2022 corresponding to GR case no.695(K)/22 under section 20(b)

(II)(B) of NDPS Act arises out of FIR lodged by one SI Bharat Doley on 18.12.2022.

The learned APP has produced the case diary and has opposed the prayer for bail.

It is also submitted that perhaps it is inadvertently recorded in the forwarding report dated 19.12.2022 that the petitioner was 70 years old but in the statement recorded before the police under section 161 Cr.P.C. he had disclosed his age to be 60 years.

Be that as it may, the case diary reveals that the quantity of suspected cannabis weighing 2.710 kg was recovered from the possession of the petitioner which is of intermediate quantity. But considering the age of the petitioner, the Court is inclined to release the petitioner, namely, Md. Hazarat Ali on bail on furnishing a bail bond of Rs.1.00 lakh (Rupees one lakh only) with two sureties of like amount to the satisfaction of the learned Judicial Magistrate First Class, Boko, Kamrup. It is provided that out of two bailors, one bailor should offer his/her immovable property as a security for grant of bail having sufficient value to cover the bail amount.

Bail is granted on the following conditions:

1. The petitioner shall appear before the Court in the present case on all the dates fixed for trial.
2. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the

prosecution witness.

3. The petitioner shall not obstruct the smooth progress of the trial/ investigation.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall not jump over the bail.
6. The petitioner shall once again appear before the IO once in 15(fifteen) days and he shall continue to appear once a month till his personal appearance is dispensed with or charge sheet is submitted, whichever is earlier.
7. If the petitioner is found involved in any similar offence, it would be open to the IO to move the jurisdictional Court and apply for cancellation of bail.

Case diary is returned.

The application stands disposed of.

JUDGE

Comparing Assistant