

GAHC010009152023



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

Case No. : Bail Appln./176/2023

AMINA KHATUN AND ANR.
W/O MD. FARJUL HAQUE,
VILL.- HERAPATTY,
P.S.- NAGAON SADAR,
DIST.- NAGAON, ASSAM.

2: SAJEMA BEGUM
W/O ALI AKBAR

VILL.- KHUTIKATIYA

P.S.- NAGAON SADAR

DIST.- NAGAON
ASSAM

VERSUS

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

Advocate for the Petitioner : MR. S Y AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 24.02.2023

Heard Mr. S.Y. Ahmed, learned counsel for the petitioners. Also

heard Mr. Bankim Sarma, learned APP appearing for the State.

2. The petitioner no.1, who were arrested on 26.11.2022, and the petitioner no.2, who was subsequently shown arrest, are seeking regular bail under section 439 Cr.P.C. in connection with Bihpuria P.S. Case No. 221/2022, under sections 21(b)/29 of the NDPS Act, corresponding to G.R. Case No. 1305/2022, pending before the Court of learned Special Judge, Lakhimpur, North Lakhimpur.

3. The learned APP has opposed the prayer for bail on the ground that the main accused from whom the contraband narcotic drugs were seized have implicated the petitioners of being the suppliers.

4. It is submitted by the learned counsel for the petitioners that the main accused from whom the suspected heroin weighing 12.71 grams and 12.93 grams were seized are already released on bail by this Court by order dated 03.01.2023, passed in Bail Appln 3476/2022.

5. Be that as it may, as the contraband narcotic drugs seized from the co-accused was of intermediate quantity and as the petitioners are in custody for last 90 days, the Court is of the considered opinion that further custodial interrogation of the petitioners may not be necessary. Hence, the Court is inclined to grant bail to the petitioners, namely, (1) Amina Khatun, and (2) Sajema Begum in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- each with one solvent surety of like amount to the satisfaction of the learned Special Judge, NDPS, North Lakhimpur.

6. Bail is granted on the following conditions:

I. The petitioners shall make themselves available to the police or any

other investigating agency or Court in the present case as and when required.

II. The petitioners 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. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. The petitioners shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioners shall not misuse their liberty in any manner.

V. The petitioners shall appear before the I/O within 10 (ten) days from the date of their release and they shall continue to appear once in every month till their appearance is dispensed with or charge-sheet is filed, whichever is earlier.

7. This application stands disposed of.

8. Case diary is returned.

JUDGE

Comparing Assistant