

GAHC010014992023



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

Case No. : Bail Appln./283/2023

SADDAM HUSSAIN
SON OF MAINUDDIN SHEIKH
R/ PRAGATI PATH,
NOTBOMA, HOUSE NO. 53, P.O. AND P.S. HATIGAON, PIN-781038 IN THE
DISTRICT OF KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S A HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 08-02-2023

Heard Mr. S.A. Hussain, learned counsel for the petitioner as well as Mr. Bhaskar Sarma, learned APP for the State.

2. The petitioner, namely, Saddam Hussain, who was arrested on

31.12.2022 in connection with Hatigaon P.S. case no.555/2022 under section 21(b)/29 of NDPS Act, is seeking regular bail by filing this application under section 439 Cr.P.C.

3. The learned APP has produced the case diary and has opposed the prayer for bail on the ground that the arrested co-accused has specifically named the petitioner to be a part of a racket of selling narcotic drugs. It is also submitted that several co-accused could not be arrested till date and that if bail is granted to the petitioner, it may hamper the investigation.

4. On a perusal of the case diary, it appears from the statement of one of co-accused arrested by the IO that the petitioner is involved in the racket of narcotic drugs. There is no material available to bring on record that any contraband drugs was seized from the petitioner on 09.12.2022.

5. Moreover, the case diary does not contain any material to prima facie show that the petitioner is a participant in the conspiracy.

6. Accordingly, the Court is inclined to release the petitioner, namely, Saddam Hussain on bail on furnishing a bail bond of Rs.1.50 lakh (Rupees one lakh fifty thousand only) with two solvent sureties of like amount to the satisfaction of the learned Special/ Sessions Judge, Kamrup (Metro), Guwahati. Out of two bailors, one should offer his/ her immovable property as security for grant of bail.

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 appear before the IO within 7(seven) days of the order and 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.

7. It is also provided that in the event materials can be gathered to show that the petitioner is a conspirator in the commission of the offence, it would be open to the IO to move the jurisdictional Court and apply for cancellation of bail.

8. Case diary is returned.

9. The application stands disposed of.

JUDGE

Comparing Assistant