

GAHC010018572023



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

Case No. : Bail Appln./362/2023

MD. ROFIQUL ISLAM AND ANR
S/O- MD. GANJER ALI, VILL.- AMBARI, SALKATA, P.S. FAKIRGANJ, DIST.
DHUBRI, ASSAM

2: SOHIL ALOM MOLLAH
S/O- LATE ROMZAN ALI MOLLAH
VILL.- JAGRAPARA PART-IV
P.S. AND DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P. ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 10.02.2023

Heard Mr. N. Uddin, learned counsel for the petitioners as well as Mr. M. P. Goswami, learned APP appearing for the State.

2. The petitioners, who were arrested on 18.12.2022 is seeking regular bail under section 439 Cr.P.C. in connection with Krishnai P.S. Case No. 115/2022 under sections 120(B)/379/511 of the IPC read with section 21 (a) of the NDPS Act.
3. The learned APP has produced the case diary and opposed the prayer for bail.
4. On a perusal of the case diary, it appears that the petitioners were trying to defraud the bank customer by changing his ATM card and when the victim screamed for help, the police came and in course of search, amongst others, suspected heroin, 27 nos. of ATM Cards, three mobile phones, some cash amount including Aadhar Card, PAN Card, Voter Card, etc. were recovered/found.
5. Accordingly, there are sufficient incriminating against the petitioners of being involving in theft, fraud and peddling of narcotic drugs.
6. It appears that the charge sheet has not been submitted till date.
7. As the petitioner have spent 55 days in custody, considering the same the Court is inclined to grant bail to the petitioners, namely, (1) Rofiquil Islam, and (2) Sohil Alom Mollah in connection with Krishnai P.S. Case No. 115/2022 on furnishing bail bond of Rs.1,00,000/- each with two solvent sureties of like amount to the satisfaction of the learned Special Judge, Goalpara. Out of two bailors, one should offer his/her immovable property as security for grant of bail.

The bail is granted on the following conditions:

1. The petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when

required.

2. 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.

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

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

5. The petitioners on being released on bail shall appear before the I/O within ten days and continue to appear before the I/O once in a month from today and she shall continue to appear till their appearance is dispensed with or charge-sheet is filed, whichever is earlier.

8. In the event the I.O. finds that the petitioner is involved in any narcotic drug related offence, it would be open to him to approach the jurisdictional Court and apply for cancellation of bail.

9. The case diary is returned.

10. This application stands disposed of.

JUDGE

Comparing Assistant