

GAHC010018932023



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

Case No. : Bail Appln./343/2023

MIRAJUL ISLAM
S/O LT. HATIM ALI
R/O VILL- FULBARI, P.S. FULBARI
DIST. EAST GARO HILLS (MEGHALAYA)

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

12.06.2023

Heard Mr S M Abdullah P, learned counsel, appearing on behalf of the petitioner.
Also heard Mr B Sarma, learned Additional Public Prosecutor for the State of Assam.

2. The petitioner, Mirajul Islam, who is in jail since 14.11.2022, has preferred this application under Section 439 CrPC, seeking bail in connection with Paltan Bazar PS Case No. 584/2022, registered under Section 21(c) (ii)/29 of the NDPS Act.

3. Learned counsel for the petitioner has submitted that the accused petitioner was arrested on 14.12.2022 and since then, he has been languishing in jail and has completed 180 days in jail hazot. So, the learned counsel submits that the petitioner is entitled to default bail.

4. On the other hand, learned Additional Public Prosecutor has raised objection and has submitted that some conditions may be imposed, if this Court deems it fit and proper to grant bail to the petitioner, taking into consideration the facts and circumstances of the case.

5. I have considered the submissions made by the learned counsel for both the parties. I have also perused the Case Diary as well as the documents annexed with the record. It reveals that the petitioner has been detained in custody for more than 180 days and charge sheet has not yet been submitted.

6. In view of the above and considering the submissions made by the learned counsel for both the parties, this bail application is allowed. Accordingly, it is hereby directed that the petitioner, namely, Mirajul Islam, shall be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) Only with two sureties of the like amount, one of whom must be a Government Servant, to the satisfaction of the learned Special Judge, Guwahati, Assam, in connection with the aforesaid case. The bail granted to the petitioner shall be subject to following conditions:-

(a) The petitioner shall not leave the territorial jurisdiction of learned Special Judge, Guwahati, Assam without prior written permission from him;

(b) The petitioner shall not hamper and tamper with the evidence of the case;

(c) 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 them from disclosing such facts to the Court or to any police office.

(e) The petitioner shall not try to contact any of the witness by any mode including telephone, social media etc.

7. With the aforesaid directions, this Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant