

GAHC010071762023



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

Case No. : Bail Appln./1228/2023

MD. TASER ALI @ SALAM ALI
S/O- TOMEZ ALI, R/O- BANDALI SOR BOHORI, P.S. TARABARI, DIST.
BARPETA, ASSAM AND PRESENTLY RESIDING AT DEBEN PATTI,
MAHASING MEGHARAJ JAYANARAYAN ROAD, P.S. PANBAZAR, DIST.
KAMRUP(M), ASSAM

VERSUS

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

Advocate for the Petitioner : MR. Y S MANNAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 02.08.2023

Heard Mr. Y.S Mannan, learned counsel for the accused petitioner as well as Mr. M.P Goswami, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Md. Taser Ali**

@ **Salam Ali** has prayed for grant of bail in connection with **NDPS Case No. 63/2022 pending in the learned Sessions Judge, Kamrup (M) (arising out of Garchuk P.S. Case No. 02/2022)** under Sections **21(c)** of the NDPS Act.

The scanned copy of the case record along with the case diary, as called for, is placed before the Court.

It is noticed that the accused petitioner has been in judicial custody since 03.01.2022, i.e. for 576 days.

The case relates to recovery and seizure of 496 grams of heroin from the possession of the accused petitioner.

A perusal of the case record reveals that the learned Trial Court framed charge under Section 21 (c) of the N.D.P.S. Act against the accused petitioner, vide order, dated 10.11.2022. Thereafter, the learned Trial Court has examined 5 (five) prosecution witnesses, out of listed 8 (eight) witnesses. It is seen from the case record that the case is pending at the stage of evidence and the next date is fixed on 28.08.2023.

Having considered the facts and circumstance as emerged from the case record and in view of the prolonged period of detention and as the trial of the case has also substantially progressed, this Court is of the opinion that further continuation of detention of the accused petitioner may not be necessary for the purpose of remaining part of trial.

Therefore, it is provided the accused petitioner, named above, shall be released on bail of **Rs. 50,000/-** with 2 (two) sureties of like amount to the satisfaction of the **learned Special Judge (NDPS Act), Kamrup (M) Guwahati** subject to the following conditions-

- i) That the accused petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the

case is disposed of; and

- ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution witnesses; and
- iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is suspected of commission; and
- iv) That out of the two sureties, one must be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned Court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

Breach of any of the above conditions of bail shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant