

GAHC010080342023



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

Case No. : Bail Appln./1348/2023

RAKIB AHMED
S/O AMZAD ALI
R/O JHAGRAR CHAR PT.II
P.S. MANKACHAR
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 08.05.2023

Heard Mr. S Rahman, learned counsel for the accused petitioner as well as Mr. RJ Baruah, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Rakib Ahmed**, has prayed for grant of bail in connection with **Garchuk P.S. Case No.332/2022** (GR No. 8955/2022) under Section 22 (C) /29 of the NDPS Act.

The case relates to recovery and seizure of 20,000 YABA tablets from the present accused petitioner and one Rajib Miah.

It is noticed that the accused petitioner is in judicial custody for 183 days since 05.11.2022.

Mr. S Rahman, learned counsel for the accused petitioner, submits that the co-accused person has already been released on bail by this Court vide order, dated 04.05.2023, passed in Bail Application 1041/2023 and therefore, Mr. Rahman submits that the prayer for bail of the accused petitioner may be considered favourably.

Having heard the learned counsel for parties and on perusal of the FIR, documents annexed with the bail application, it appears that the accused petitioner is in judicial custody for 183 days and investigation also is not yet completed. Therefore, considering the length of detention of the accused petitioner in judicial custody, this Court is of the considered opinion that further continuation of detention of the accused petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.1, 00,000/- (One Lakh only)** with 2(two) sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Assam at Guwahati**, subject to the following conditions- :

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) That the accused 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 the Police Officer or the Court;
- (iii) That the accused petitioner shall refrain from committing any similar offence in future, of which he is suspected of commission;
- (iv) That the accused/petitioner and his sureties shall produce the Voter Identity Card/Passport/Permanent Residential Certificate, whatever is available at the time of submission of the bail bond for satisfaction of the learned Court below regarding their identity and address and then return the same retaining photocopy thereof on record; and
- (v) 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.

Return the case diary.

JUDGE

Comparing Assistant