

GAHC010083892023



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

Case No. : Bail Appln./1436/2023

MD. SALAMUDDIN AND ANR
S/O LATE ASABUDDIN
R/O VILL- BHELOWGURI GAON
P.S. MERAPANI
DIST. GOLAGHAT, ASSAM

2: MD. ABDUL JABBAR
S/OLATE ASBUDDIN
R/O VIL- BHELOWGURI GAON
P.S. MERAPANI
DIST. GOLAGHAT
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 15.05.2023

Heard Mr. S Munir, learned counsel for the accused petitioners as well as Mr. B Sarma,

learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Md. Salamuddin and 2. Md. Abdul Jabbar** have prayed for grant of bail in connection with **Special (NDPS) Case No. 36/2022 (Merapani P.S. Case No. 49/2022)** under Sections 21(C)/27 of the NDPS Act.

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

It is noticed that the accused petitioner No. 1 is in judicial custody for 297 days since 22.07.2022 and accused petitioner No. 2 for 89 days since 15.02.2023.

The case relates to recovery and seizure of 15430 SAMPEX + blue colour capsules, 68 Nos. of Nitrosun 10 tablet etc. from the possession of the accused petitioners.

A perusal of the case record reveals that the learned Trial Court framed charge under Section 21 ©/27 of the N.D.P.S. Act against the accused petitioners vide order, dated 01.03.2023.

Thereafter, the learned Trial Court has examined 6 (six) prosecution witnesses. It is seen that trial of the case has substantially progressed and the petitioner No. 1 is in judicial custody for 297 days and accused petitioner No. 2 for 89 days. It is also seen that the accused petitioners are permanent residents of Golaghat . Therefore, considering the length of detention and substantial progress in trial, this court is inclined to grant the accused petitioners the privilege of bail.

Accordingly, it is provided that each of the accused petitioners, 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), Golaghat** subject to the following conditions-

- i) That the accused petitioners 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 petitioners shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution witnesses, if any; and
- iii) That the accused petitioners shall refrain from committing any similar

offences in future, of which they are accused 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