

GAHC010106662023



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

Case No. : Bail Appln./1748/2023

BUBUL ALI @ BABU
S/O- LATE HAMID ALI @ HAMIDULLAH, R/O- VILL.- BARNI, P.S. HAJO,
DIST. KAMRUP(R), ASSAM

VERSUS

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

Advocate for the Petitioner : MD E AHMED
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
ORDER

22-06-2023

Heard Mr. E. Ahmed, learned counsel for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 CrPC, the petitioner, namely, **Babul Ali @ Babu**, is seeking bail in Hajo Police Station Case No. 292/2023 registered under Section 21 (b) of the Narcotic Drugs and Psychotropic Substances Act, wherein he was arrested on 22.04.2023 and since then he is in custody.

Perused the case diary placed before the Court today by Mr. Goswami, learned Additional Public Prosecutor, Assam.

It is seen from the case diary and the seizure list vide M.R. No. 119/2023 that 5.6 grams of brown colour powder suspected to be Heroin was seized from the possession of the petitioner.

It is also seen from the case diary that since 22.04.2023, the petitioner is in custody for 61 days and police are yet to file the charge sheet against the petitioner in said Hajo P.S. Case No. 292/2023.

In view of the above, the petitioner is entitled for bail due to fault on the part of the prosecution to file the charge-sheet within the time considering the involvement of the petitioner in the alleged crime.

Accordingly, the petitioner, namely, **Babul Ali @ Babu**, be released on bail in said Hajo P.S. Case No. 292/2023 on furnishing a bail bond of Rs. 50,000/- with 2 (two) local sureties of like amount, one of which has to be a Government Employee (Central and/or State of Assam) to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon on conditions that the petitioner shall – **(i)** appear before the concerned Investigating Officer of said Hajo P.S. Case No. 292/2023 on every Monday during the 1st half of the office hours between 10:00 am to 02:00 pm **in the week commencing from 03.07.2023 for the next 8 (eight) weeks** and thereafter, as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup, Amingaon, without obtaining prior written permission from the said authority, **(iii)** not hamper with the investigation or tamper with the evidence of the case and **(iv)** 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/her from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said Hajo P.S. Case No. 292/2023 shall stand automatically vacated.

This bail application of the petitioner accordingly stands allowed.

Return the case diary.

JUDGE

Comparing Assistant