

GAHC010124612023



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

Case No. : Bail Appln./2017/2023

RIZWAN HUSSAIN
S/O MD. ALI HUSSAIN
R/O WARD NO. 4, NAZIRA TOWN,
P.S. NAZIRA
DIST. SIVASAGAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 12.06.2023

Heard Mr. D. Saikia, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Rizwan Hussain**, in connection with **Nazira**

Police Station Case No. 25/2023, registered under Section 21(a)/25/27 of NDPS Act.

It has been submitted by the learned counsel for the petitioner that the accused-petitioner is no way involved in the instant case. He further submits that from the FIR, it appears that the petitioner was arrested only on suspicion. It also appears from the FIR that suspected heroine was seized from the house of one Pradip Sahu. He also submits that the accused/petitioner is a HIV positive patient and he has been in custody for last 28 days as on date with effect from 15.05.2023, the date of showing arrest of the petitioner in this case. Considering the background of the case, petitioner may be enlarged on bail.

Mr. Goswami, learned Additional Public Prosecutor for the State has submitted that the suspected heroine which was seized by the investigating officer is not commercial quantity.

The case diary produced, has been perused. Considering the materials in the case diary and the length of detention of the accused-petitioner in custody as well as health condition of the petitioner, this Court is of the view that further custodial detention of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Nazira Police Station Case No. 25/2023, registered under Section 21(a)/25/27 of NDPS Act** on furnishing bail bond of **Rs.20,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned SDJM, Nazira.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned SDJM, Nazira,

without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 Court or to any police officer.

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant