

GAHC010129662023



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

Case No. : Bail Appln./2074/2023

MD MAFIDUL ISLAM
S/O LT. ABDUL AZOM ALI
R/O VILL- PACHIM GOROIMARI
WARD NO. 6, P.S. LAHARIGHAT
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

23-06-2023

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

By this application under Section 439 CrPC the petitioner, namely, **Md. Mafidul Islam**, is seeking bail in connection with **Laharighat Police Station Case No. 136/2023** corresponding

to G.R. No. 808/2023 registered under Section 21(b)/29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, wherein, he was arrested on 25.04.2023 and is in custody since then.

The brief facts of the case is that on receipt of specific information that the accused petitioner along with another was involved in illicit trading of Narcotics in the house of the other accused person of the case, police proceeded to the place of occurrence at West Goroimari and on reaching the house of the other accused person during search 14 nos. of plastic tobacco containers filled with suspected Narcotic Drugs (Heroin) concealed in a plastic polythene bag kept under the bed in the drawing room of the other accused person were found and police apprehended both the accused persons including the petitioner.

The suspected Narcotic Drugs (Heroin) was duly seized and without the containers it weighted around 06.9 grams. Accordingly, Laharighat Police Station Case No. 136/2023 under Section 21(b)/29 of the NDPS Act, 1985 was registered against the accused persons including the petitioner.

Mr. M P Goswami, learned Additional Public Prosecutor, Assam from the Case Diary submitted that for similar offences, the present petitioner was earlier arrested and was in jail for more than 1½ years and was released from jail recently. After coming out from the jail, the petitioner again indulged in the said illegal/illicit trading of Narcotic Drugs.

The original Case Diary is still with Mr. M P Goswami, learned Additional Public Prosecutor, Assam and till date, police have not yet prepared the Charge-Sheet in the case.

Tomorrow will be the 60th day of the petitioner in custody.

Considering the above, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Laharighat Police Station Case No. 136/2023. As such, this bail application of the petitioner in said Laharighat P. S. Case No. 136/2023 is accepted.

Accordingly, the petitioner, namely, **Md. Mafidul Islam**, be released on bail in said Laharighat P. S. Case No. 136/2023 on furnishing a bail bond of Rs. 2,50,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee (Central and/or

State of Assam) to the satisfaction of the learned Special Judge (NDPS), Morigaon on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Laharighat P. S. Case No. 136/2023 as and when he is required for necessary investigation of the case and shall also appear before the learned Special Judge (NDPS), Morigaon as and when required; (ii) not indulge in any offence or any criminal activities while remaining on bail (iii) not leave the territorial jurisdiction of the Laharighat Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iv) not hamper with the investigation, or tamper with the evidence of the case and (v) not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Laharighat P. S. Case No. 136/2023 shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant