

GAHC010162612023



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

Case No. : Bail Appln./2587/2023

HUJAIL AHMED MAZUMDER AND ANR
S/O- ANAM UDDIN MAZUMDER, VILL.- BICHINCHA PART-II, P.S. AND DIST.
HAILAKANDI, ASSAM

2: ISLAM UDDIN BARBHUIYA
S/O- IBRAHIM ALI BARBHUIYA
VILL.- BOWERGHAT
P.S. AND DIST. HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 31.07.2023

Heard Mr. HRA Choudhury, learned Senior Counsel for the accused petitioners as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam for the State

respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Hujail Ahmed Mazumder and 2. Islam Uddin Barbhuiya** have prayed for grant of bail in connection with **Dispur P.S. Case No. 1102/2023** under Sections 27 A/28/29/32 of the NDPS Act (corresponding to G.R. Case No. 4338/2023).

The case diary, as called for, is placed before the Court.

The accused petitioners have been in judicial custody since 16.06.2023, i.e. for 45 days.

The case relates to recovery and seizure of Indian Currency Notes and modified vehicle, which was suspected to be used for drug transportation, from the possession of the present accused petitioners and two other co-accused persons.

On perusal of the case diary, it appears that an amount of Rs.3,75,200 was recovered from the possession of the accused petitioners and two other co-accused persons. It is further noticed that the co-accused persons have been released on bail. There is incriminating material against the accused petitioners subject, of course, to final outcome in investigation.

Case diary further reveals that though during search, no psychotropic substance was recovered and seized, but there is *prima facie* indication of accused petitioners' involvement in drug trafficking.

In the backdrop of facts and evidence, as emerged from the case diary and considering the length of detention in judicial custody, this Court is of the considered opinion that further continuation of detention of the accused petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the accused petitioners, named above, shall be released on bail of **Rs. 40,000/- each** with one surety of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Kamrup (M) at Guwahati** subject to the following conditions

- i) That the accused petitioners shall cooperate with the Investigating Officer as and when required; and
- ii) That the accused petitioners 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; and
- iii) That the accused petitioner shall refrain from committing any similar offences in future, of which they are accused or suspected of commission.

Any breach of the above conditions shall render cancellation of the bail in accordance with law.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant