

GAHC010179832023



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

Case No. : Bail Appln./2893/2023

MUKLIMA BIBI
W/O- AZBAHAR ALI, R/O- VILL.- NO. 2 GOROIMARI, P.O. ALUKHUNDA, P.S.
PANBARI, DIST. CHIRANG, ASSAM, PIN- 783391.

VERSUS

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

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 11.09.2023

Heard Mr. M.U.Mahmud, learned counsel for the accused petitioner as well as Mr. B Sarma, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Muklima Bibi** has prayed for grant of bail in connection with **Panbari P.S. Case No.45/2023** under Section 21(b)/29 of the NDPS Act.

Case diary is not placed before the Court.

Mr. M.U.Mahmud, learned counsel for the accused petitioner, submits that the accused woman has been in judicial custody for 58 days despite being absolutely innocent and that she is not named in the FIR. Mr. Mahmud further submits that the seized articles were planted by few of the enemies of her husband at their home in absence of her husband. Mr. Mahmud further submits that the seized suspected contraband was of small quantity and as such, further continuation of her detention for the purpose of investigation may not be required.

Mr. B Sarma, learned Addl. Public Prosecutor, submits that the seized quantity of drug was of intermediate quantity and as per instruction from the investigating officer, the investigation is yet to be completed.

The FIR reveals the allegation of recovery and seizure of 152.2 grams of suspected drugs from the house of the accused petitioner.

It is noticed that the accused woman has been in judicial custody since 16.07.2023 i.e. for 58 days.

Perused the seizure memo. It is noticed that the recovery of the contraband was made from a number of containers.

It may be noted here that by order, dated 28.08.2023, the case diary was directed to be retained for absence of the FSL report. However, it is not placed before the Court today.

Having considered that the accused is a woman, who has been in judicial custody for 58 days and the quantity of suspected drugs seized, this Court is of the opinion that further continuation of her detention is not required for the purpose of ongoing investigation.

Accordingly, it is provided that the accused petitioner, named above shall be released on bail of **Rs. 50,000/-** with one surety of like amount to the satisfaction of the learned

Jurisdictional Court subject to the following conditions- :

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) That the accused petitioner 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 offence in future, of which she is accused of commission.

Breach of any of the above conditions shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant