

GAHC010184052022



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

Case No. : Bail Appln./2288/2022

MOJINA BEGUM
W/O- SIRAJ ALI, C/O- HASSINA BEGUM, MADHABPUR, P.S. BHABANIPUR,
DIST. BARPETA, ASSAM AND PRESENTLY RESIDING AT PATARKUCHI
NABUDAI NAGAR, BYELANE NO. 07, P.S. BASISTHA, DIST. KAMRUP(M),
ASSAM

VERSUS

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

Advocate for the Petitioner : MR. P BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

03-02-2023

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Mojina Begum**, in connection with **Basistha Police Station Case No. 356/2022**, registered under **Section 20(C) of the NDPS Act**, read with **Sections 4 & 5 of the Assam Ganja and Bhang (Prohibition) Act, 1958**.

Heard Mr. P. Bora, learned senior counsel, assisted by Mr. H.K. Sarma, learned counsel appearing for the accused-petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, appearing for the State.

Perused the scanned copy of the record.

The learned counsel for the accused-petitioner submits that the accused-petitioner has been in custody for 315 days, with effect from 26-03-2022. It has also been submitted that the petitioner has her children and other family members in her house and being a lady, it is difficult for her to continue further period in jail *hajot*. It is also submitted that the petitioner has a Pan shop adjacent to the Shiva Temple near Basistha Police Station and somebody might have kept the *ganja* there. Though commercial quantity of *ganja* has been recovered in this case, yet the petitioner is not connected with the offence alleged against her.

On the other hand Mr. Sarma, learned Additional Public Prosecutor has submitted that charge-sheet has been submitted in this case and commercial quantity of cannabis was recovered from the conscious possession of the present accused-petitioner, hence, bail may not be granted to the accused-petitioner.

I have considered the submission so made by the learned counsel for the parties.

It appears from the case diary that charge-sheet has already been submitted in this case. The accused-petitioner has been detained in custody for 315 days. Though she approached before the learned trial Court, her bail prayer was rejected only on the ground that commercial quantity of ganja was recovered from her possession.

Considering the length of detention of the accused-petitioner in custody as well as the fact that as submitted she being the local resident of Basistha, there is no chance of her absconding, the petitioner is granted bail.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of **Rs.25,000/-** with

a suitable surety of the like amount to the satisfaction of learned Special Judge under the NDPS Act, Kamrup (M), Guwahati.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge under the NDPS Act, Kamrup (M), Guwahati, without prior written permission from him;

(b) 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.

(c) shall appear before the Officer-in-Charge of Basistha Police Station on every fortnight, till disposal of the case.

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

JUDGE

Comparing Assistant