

GAHC010208042023



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

Case No. : Bail Appln./3284/2023

MD. RAMIJUDDIN
S/O MD. ALLOWDDIN
VILL- LILONG HAOREBI
MAKHA LEIKAI
P.S. LILONG
DIST. THOUBAL, MANIPUR.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N N B CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 19.10.2023

Heard Mr. N. N. B. Choudhury, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By this second petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Md. Ramijuddin**, has prayed for grant of bail in connection with **Hatigaon P.S. Case No.178/2021 (NDPS Case No. 47/2021)** under

Section **22(c)** of the NDPS Act.

It is noticed that the accused petitioner has been in judicial custody since 04.03.2021, i.e. for 959 days.

It may be mentioned that this Court, after going through the scanned copy of the case record, has rejected the earlier bail application of the accused petitioner, being Bail Appln. No.2290/2022, vide order, dated 26.10.2022.

The matter relates to recovery and seizure of 26 grams of suspected heroin, 5 kg of tablets (9 packets), 3 bottles of full cough syrup and 2 bottles of half cough syrup from the exclusive and conscious possession of the accused petitioner and three others.

It is noticed that the seized contraband amounts to commercial quantity under the NDPS Act.

Having heard the learned counsel of both sides and considering the length of detention, this Court is of the opinion that although there is bar under Section 37 of the NDPS Act in granting bail in matters involving commercial quantity, in view of the mandate under Article 21 of the Constitution of India, if the accused petitioner is released on bail, the remaining part of the trial is unlikely to be hampered.

Accordingly, it is provided that the accused petitioner, who is a permanent resident under Lilong P.S., State-Manipur, shall be released on bail of **Rs. 1 Lakh** with two Government servant sureties 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 petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time

till the case is disposed of; and

- ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any of the remaining listed prosecution witnesses; and
- iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is suspected of commission; and
- iv) That the two Government servant sureties shall be subject to verification of the relevant documents, if deemed necessary and after such verification, the learned Court below shall return the original documents retaining legible scanned copy thereof on record for future reference in the event of non-appearance of the accused.

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

This disposes of the bail application.

JUDGE

Comparing Assistant