

GAHC010229062023



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

Case No. : Bail Appln./3729/2023

SADDAM HUSSAIN @ MD. BULLAYAT AND 4 ORS
S/O ABUL KHEIR
R/O NO. 2 AHMEDPUR
P.O. ISLAMGAON, MOUZA- LALUK
P.S. BIHPURIA,
PIN-787054
DIST. LAKHIMPUR, ASSAM

2: AFTAB HUSSAIN
S/O ABUL KHAYAR
R/O VILL- NO. 2 AHMEDPUR
P.O. ISLAMGAON

MOUZA- LALUK
P.S. BIHPURIA
PIN-787054
DIST. LAKHIMPUR
ASSAM

3: REHUL AMIN BHUYAN
S/O HABIBUL HAQUE BHUYAN
R/O VILL- NO. 2 AHMEDPUR
P.O. ISLAMGAON
MOUZA- LALUK
P.S. BIHPURIA
PIN-787054
DIST. LAKHIMPUR
ASSAM

4: UMME SALMA
W/O AFTAB HUSSAIN
R/O VILL- NO. 2 AHMEDPUR
P.O. ISLAMGAON

MOUZA- LALUK
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM
PIN-787054

5: JOYNAL ABDIN
S/O ABUL KASEM
R/O VILL- NO. 2 AHMEDPUR
P.O. ISLAMGAON

MOUZA- LALUK
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM
PIN-78705

VERSUS

THE STATE OF ASSAM
REP. HEREIN BY ITS PP, ASSAM

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 17.11.2023

Heard Mr. G. Chamuah, learned counsel for the petitioners and Mr. Ranjan Jyoti Baruah, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioners, namely (1) Saddam Hussain @ Md. Bullayat, (2) Aftab Hussain, (3) Rehul Amin Bhuyan, (4) Umme Salma and (5) Joynal Abdin, seeking bail who were arrested on 8th September, 2023 in connection with Laluk P.S. Case No. 172/2023

(Corresponding to G.R. Case No. 858/2023) under Sections 146/ 147/ 325/ 326/ 307/353/506/ 224 IPC read with Sections 21(a)/ 21(b)/ 29 of NDPS Act.

It is submitted by the learned counsel for the petitioners that the petitioners have been in custody for last 70 days. So far as the offence under NDPS Act is concerned, mandatory period of detention is 60 days. Regarding offence under Section 307 IPC, the learned counsel for the petitioners submits that the injury sustained by the victim is a simple in nature. Under such backdrop, petitioners may be enlarged on bail.

On the other hand, the learned Addl. PP has submitted that on perusal of the case diary, it reveals that victim sustained simple injury, which falls under Section 323 IPC.

I have considered the submissions of the learned counsel for the parties and perused the case diary also.

Considering the submissions of the learned counsel for the parties as well the period of detention, it is directed that the accused/ petitioners above named be released on bail in connection with Laluk P.S. Case No. 172/2023 (Corresponding to G.R. Case No. 858/2023) under Sections 146/ 147/ 325/ 326/ 307/353/506/ 224 IPC read with Sections 21(a)/ 21(b)/ 29 of NDPS Act on furnishing a bond of Rs. 30,000/- (Rupees thirty thousand) each with 1 (one) suitable surety each of like amount to the satisfaction of the learned Special Judge, Lakhmpur, North Lakhimpur.

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

- (a) shall not leave the territorial jurisdiction of the learned learned Special Judge, Lakhmpur, North Lakhimpur, without

prior written permission from him/ her;

(b) shall not hamper with the investigation and tamper with the evidence of the case; and

(c) 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/ her from disclosing such facts to the Court or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant