

GAHC010239962023



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

Case No. : Bail Appln./3885/2023

BODIUD ZAMAN AND ANR.
S/O JAMAL UDDIN AHMED R/O THANA ROAD JAJORI P.S. JAJORI DIST.
NAGAON ASSAM PIN 782142

2: ANISUL ISLAM
S/O KADER ALI R/O KHORAGAON P.S JOGIGHUPA DIST. BONGAIGAON
ASSAM PIN 78338

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. D BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

28.11.2023

Heard Mr. BK Mahajan, learned counsel for the petitioners. Also heard Mr. D Das, learned Additional Public Prosecutor, Assam.

2. This is an application filed under Section 439 Cr.P.C. praying for granting

regular bail to the petitioners, namely, Bodiud Zaman @ Bodiud Jaman and Anisul Islam, who were arrested on 02.10.2023 in connection with Bazaricherra PS case No. 195/2023 under Section 20(b)(ii)c/25/29 of the NDPS Act.

3. Case diary produced is perused.
4. The materials so far collected by the Investigating Authority as well as material annexed to the petition are suggestive of following facts:
 - I. That the two petitioners are the drivers by profession and they were engaged as driver and co-driver of truck bearing registration No. AS 11 EC 4166.
 - II. One M/s Royal Express is a logistic partner of Blue Dart Express Ltd and as per the agreement, the aforesaid vehicle was placed by M/s Royal Express in the service of Blue Dart Express.
 - III. The shipment was loaded by Blue Dart into the vehicle and it was sealed and such seal can be opened through OTP at the destination
 - IV. No material is available to suggest that such seals were found physically broken to suggest involvement of the petitioners.
 - V. In the aforesaid truck, one black colour trunk with an address of P Kumar, B-29, BSF issued by the Blue Dart, SFC was seized and inside the trunk four packages suspected to be Ganja weighting 51.3 k.g. were found.

VI. The seized Trunk also contains one challan issued by Blue Dart Express in the name of Pankaj Kr. Yadav.

5. Considering the aforesaid material ,the stage of investigation and other materials so far collected and the period of detention, this Court is of the opinion that no further custodial detention of the petitioners are required. Accordingly, the present application is allowed.
6. It is directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one solvent surety in the like amount to the satisfaction of the learned Special Judge, Karimganj with the following conditions.
 - A. The petitioners shall not hamper with the investigation, or tamper with the evidence of the case,
 - B. The 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 them from disclosing such facts to the Court or to any police officer,
 - C. The petitioners shall appear before the I/O on each and every date as and when called for.

Bail application stands disposed of.

JUDGE

Comparing Assistant