

GAHC010257212023



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

Case No. : Bail Appln./4184/2023

NAJMA KHATUN
D/O NASER ALI MANDAL
R/O KISMAT KATHMI
P.S. BOKO
DIST. KAMRUP, ASSAM
MOB. NO. 9864027090
PIN NO. 781136

VERSUS

THE STATE OF ASSAM
REP. BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06-12-2023

Heard Mr. A. K. Ahmed, learned counsel for the accused. Also heard Mr. P. Borthakur, learned Addl. P. P. for the State respondent.

This application, under Section 439 Cr.P. C. is preferred by accused, Najma Khatun, who has been languishing in jail hajot since 04.11.2023, in connection with Boko P. S. Case No. 529/2023, under Section 21(b) of NDPS Act.

It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Juli Das on 4.11.2023.

The essence of allegation, made in the FIR dated 4.11.2023, is that acting on a tip off, the informant alongwith, other police officials, have conducted search in the house of Nazma Begum in presence of witnesses and recovered two black coloured polythene carry bag, containing one shop case and 38 nos. of plastic containers(small size) containing brown colored powdered substance(Heroin) which were hidden in kitchen, under the fire wood and straw.

Mr. Ahmed, learned counsel for the accused submits that the accused is a lady and she is behind the bar for last 32 days and the quantity of suspected Heroin recovered from her possession is only 12 grams, which is of intermediate quantity and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

On the other hand, Mr. Borthakur, learned Addl. P. P. has produced the case diary before this Court and submits that though the material part of investigation is almost over, the FSL report is yet to be collected.

Having heard the submission of learned Advocates of both the parties, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Borthakur, learned Addl. P.P for the State respondent.

It appears that the accused is a lady and she has been languishing in jail hajot for last 32 days. And it also appears that the quantity of contraband substance, allegedly recovered from her possession, is of only 12 grams and the case diary

indicates that material part of the investigation is almost over and there remains to collect the FSL report only. And as such her further custodial detention, seems to be not warranted herein this case. And accordingly, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Special Judge, NDPS, Kamrup, Amingaon, the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant