

GAHC010257732022



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

Case No. : Bail Appln./3492/2022

MD. ABDUL JABBAR
S/O LATE FIROJ ALI
R/O PITAMBAR HATBAJALI
P.S. RANGIA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 10-01-2023

Heard Mr. S. Munir, learned counsel for the accused. Also heard Mr. BB Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

This application under Section 439 of the Code of Criminal

Procedure, 1973, is preferred by accused, namely, Md. Abdul Jabbar, who has been languishing in jail hazot for last 49 days, in connection with the Tezpur P.S. Case No.1204/2022, under Section 17(b) of the NDPS Act, for granting bail.

The said case has been registered on the basis of an F.I.R., lodged by SI Shankar Dayal, on 22.11.2022, to the effect that acting on a tip off, they have apprehended one person, namely, Abdul Jabbar and recovered 100.49 Grams of suspected Opium, from his possession and seized the same, preparing the seizure list.

Mr. Munir, learned counsel for the accused submits that the accused was arrested on 23.11.2022 and since then, he has been languishing in the jail hajot for the last 49 days and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. BB Gogoi, learned Addl. P.P., Assam has produced the case diary before this Court and submits that material part of investigation is almost over and their remains to collect the FSL report only.

Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Mr. Gogoi, learned Addl. P.P., Assam.

It appears that 100.49 Grams of suspected Opium was seized from the possession of the accused on 22.11.2022, and he was arrested on the same day and forwarded to the jail hajot on

23.11.2022 and he is behind the bar for last 49 days. On perusal of the case diary, it reveals that material part of the investigation is almost completed and there remains to collect the FSL report only.

In view of above, this court is of the view that further custodial detention of the accused seems to be unwarranted here in this case, and accordingly, it is provided that on furnishing a bail bond of Rs.25,000/- (Rupees twenty five thousands) only, with one surety of like amount to the satisfaction of the learned Special Judge, Sonitpur at Tezpur, the accused person, named above, shall be enlarged on bail, in connection with the Tezpur P.S. Case No.1204/2022, under Section 17(b) of the NDPS Act.

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

The case diary be returned.

JUDGE

Comparing Assistant