

GAHC010258852023



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

Case No. : Bail Appln./4203/2023

BILKISH AMIN
D/O MILIK KHAN CHOUDHURY
R/O PRESENT ADDRESS- SONIA ENCLAVE, HOUSE NO. 65, FLAT NO. 5C-E,
ASSAM-781024,
PERMANENT ADDRESS- SHANTI NIKETAN, 2ND FLOOR, MALIGAON,
GATE NO. 3,
GUWAHATI, ASSAM- 781011

VERSUS

THE UNION OF INDIA
REP. HEREIN BY THE LD. STANDING COUNSEL, NCB

Advocate for the Petitioner : MR. M K DAS

Advocate for the Respondent : SC, NCB

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 18.11.2023

Heard Mr. M.K. Das, learned counsel for the petitioner. Also heard Mr. S.C. Keyal, learned standing counsel, NCB.

This application under Section 439 Cr.P.C. has been filed by the accused petitioner Bilkish Amin who has been languishing in jail hazot in connection with NCB Crime No.16/2023 registered under Sections 8(c) read with Section 20(b)(iii)(A), 21(b) and 29 of the NDPS Act, 1985 for grant of bail.

It is to be noted herein that the above noted case has been registered on the basis of information furnished by Mohan Roy, Intelligence Officer, NCB. The essence of allegation against the accused is that on 26.09.2023, the NCB team, Guwahati Zonal Unit, intercepted two parcels having ID No. 191100030995 and 191100030997, containing 65 gm of cocaine from the Office of Shree Tirupati Courier Services Pvt. Ltd, Kamakhya Enterprise, Paltan Bazar and also apprehended two persons namely Bedanta Das and Amit Jain, who came there to collect the parcel with Tracking I.D. No. 191100030995. On interrogation, the apprehended two people informed the seizing officer Mohan Roy that the consignee of the parcel having tracking I.D. No. 191100030997 may have one Deepak Bhatia and Bilkish Amin and on the basis of the information so furnished by the apprehended persons, the NCB team, Guwahati, conducted search in Sonia Enclave, Flat No.5C, Mother Teresa Road, Geetanagar, Guwahati, Assam and seized 5.33 gm of suspected Charas and 19.92 gm unknown substance and thereafter arrested all the four persons and forwarded them to the Court.

Mr. M.K. Das, learned counsel for the accused petitioner submits that the accused is a woman and she has been languishing in jail hazot last 52 days since she was arrested on 28.09.2023. Mr. Das, learned counsel, further submits that contraband substance were recovered from the possession of the accused is of small quantity i.e. 5.33 gm and that the co-accused persons have already been enlarged on bail by the learned trial Court and that the investigation might have been completed in the meantime and therefore, it is contended to allow the petition.

On the other hand, Mr. S.C. Keyal, learned standing counsel, NCB has produced the case diary before this Court and submits that the Investigating Officer has collected sufficient incriminating materials against the accused person and the FSL report also confirmed that contraband substances recovered from the possession of the accused are Charas and that the offence are serious in nature and therefore, contended to dismiss the petition.

Having heard the submission of the learned Advocate of both sides, I have gone through the petition and the document placed on record and also perused the case diary with the assistance of Mr. S.C. Keyal, learned standing counsel, NCB.

The case diary indicates that 5.33 gm of suspected Charas were recovered from the possession

of the accused along with 19.92 gm of unknown substance. Further it appears that the Investigating Officer has collected sufficient incriminating materials against the accused petitioner.

However, it is not in dispute that the contraband substances so recovered from the alleged possession of the accused is of small quantity and the case diary indicates that material part of the investigation is almost over. The accused is a lady and she has been languishing in jail hazot for last 52 days. Thus, balancing the period of detention with the nature and gravity of offence, this Court is inclined to allow the petition.

It is provided that on furnishing a bail bond of Rs.50,000/- with one local surety of the like amount to the satisfaction of the learned Special Judge, NDPS, Kamrup(M) the accused petitioner be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant