

GAHC010260172023



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

Case No. : Bail Appln./4197/2023

TINKU BARUAH AND 5 ORS
S/O JITEN BARUAH
R/O RAILWAY COLONY
KALIBARI, P.S. LATASIL
DIST. KAMRUP (M), ASSAM

2: MD. HUSSAIN ALI
S/O AYAB ALI
R/O PASGRAM
HAILAKANDI

P.S. AGRAPUL
PRESENTLY RESIDING AT NIJORAPAR
P.S.NOONMATI

DIST. KAMRUP (M)
ASSAM

3: INJAMUL HOQUE
S/O SAH JAHAN ALI
R/O SALSALI
P.S. NAGAON
PRESENTLY RESIDING AT KALIBARI
RAILWAY COLONY
P.S. LATASIL
DIST. KAMRUP (M)
ASSAM

4: ALOM SHEIKH @ SK
S/O MOSTON SHEIKH
R/O PURANJ BAKHUR PARA
P.S. BHALUKDUBI
GOALPARA
PRESENTLY RESIDING AT KALIBARI

RAILWAY COLONY
P.S. LATASIL
DIST. KAMRUP (M)
ASSAM

5: ABIRAM GHOSH
S/O LATE NAGEN GHOSH
R/O JAMIA
P.S. BARPETA
DIST. BARPETA

PRESENTLY RESIDING AT KALIBARI
RAILWAY COLONY
P.S. LATASIL
DIST. KAMRUP (M)
ASSAM

6: AKHMOT ALI
S/O ABDUL JALIL MANDAL
R/O LAKHIPUR
BOWALMRI
GOALPARA
P.S. BOUGAON
DIST. GOALPARA
ASSAM
PRESENTLY RESIDING AT KALIBARI
RAILWAY COLONY
P.S. LATASIL
DIST. KAMRUP (M)
ASSA

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 MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 29.11.2023

Heard Mr. S. Munir, learned counsel for the petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioners, namely, **(1) Tinku Baruah (2) Md. Husain Ali (3) Injamul Hoque (4) Alom Shiekh @ SK (5) Abiram Ghosh (6) Akhmot Ali**, in connection with **Panbazar P.S. Case No. 275/2023**, registered under **Section 21(b)/27/29 of NDPS Act**.

It has been submitted by the learned counsel for the accused-petitioners that the accused-petitioners have been detained in custody since 16.10.2023. It is also submitted by the learned counsel for the petitioners that 11.50 gm of suspected heroin was recovered at parking place in front of Guwahati Railway Station. It is not specifically mentioned from whom the said contraband was seized, altogether 12 persons have been arrested in connection with this case. Considering the period of detention as well as the nature of offence, the petitioners may be enlarged on bail.

In response, Mr. Gogoi, learned Additional Public Prosecutor for the State vehemently opposed in granting bail to the petitioners. It is submitted that the investigation is still going on so that at this stage, bail may not be granted to the petitioners.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

It appears that nowhere it is reflected from whom the suspected heroin was recovered.

Considering the background of the case as well as the length of detention of the accused-petitioners in custody, the accused-petitioners, named above, shall be released on bail in connection with **Panbazar P.S. Case No. 275/2023**, registered

under **Section 21(b)/27/29 of NDPS Act**, on furnishing bail bond of **Rs.50,000/- each with two suitable sureties** each of the like amount out of which one of the sureties should be a Government employee, to the satisfaction of learned Special Judge(NDPS), Kamrup(M), Guwahati.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge(NDPS), Kamrup(M), Guwahati, without prior written permission from him/her;

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

(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 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