

GAHC010266852023



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

Case No. : Bail Appln./4317/2023

HASINA BEGUM
W/O YOUSUF ALI,
R/O MANGALDOI 2 NO. WARD,
P.S.- MANGALDOI, DIST.- DARRANG, ASSAM.
T/ADDRESS- ISLAMPUR DAMP,
P.S.- PALTANBAZAR,
DIST.- KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28.11. 2023

Heard Mr. S. Munir, learned counsel for the petitioner and Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely Smti Hasina Begum, seeking bail in connection with Panbazar P.S. Case No. 261/2023 under Section 21 (b) of the NDPS Act.

Learned counsel for the petitioner has submitted that the petitioner has been languishing in jail hajat for last 56 days and the contraband found from the possession of the petitioner are intermediate quantity. It is also submitted by the learned counsel for the petitioner that the petitioner has been in judicial custody along with her two years old baby. In view of the above as well as length of detention, prayer for bail may be considered.

The learned Addl. PP has raised objection in granting bail to the petitioner by stating that the case diary be called for, but he has confirmed that charge sheet has not yet been submitted.

I have considered the submission of the learned counsel for the parties.

It appears that the petitioner has been in judicial custody for last 56 days along with her two years old baby which reveals that substantial part of the investigation has been completed. It transpires that further custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, this Court is of the opinion that the release of the petitioner on bail may not adversely affect the investigation. Accordingly, the prayer for bail is allowed.

It is directed that the accused/ petitioner above named be released on bail in connection with Panbazar P.S. Case No. 261/2023 under Section 21 (b) of the NDPS Act on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) with 2 (two) suitable sureties of like amount to the satisfaction of the learned Special Judge (NDPS), Kamrup, Metro, Guwahati.

The direction for bail is further subject to the condition that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned Special Judge (NDPS), Kamrup, Metro, Guwahati without prior written permission from him/ her;
- (b) shall not hamper with the investigation and tamper with the evidence of the case; and
- (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/ her from disclosing such facts to the Court or to any police officer.

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

JUDGE

Comparing Assistant