

GAHC010271122022



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

Case No. : Bail Appln./3674/2022

MD ABDUL SALAM
S/O LT. HASEN ALI, R/O VILL 3 NO. BORGHULI, P.S.-ULUANI, DIST-
NAGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 10.02.2023

Heard Mr. B. Choudhury, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned APP appearing for the State.

2. The petitioner, who was arrested on 16.12.2022, is seeking regular

bail under section 439 Cr.P.C. in connection with Uluani P.S. Case No. 55/2022, corresponding to G.R. No. 648/2022, under sections 21(b) of the NDPS Act.

3. The learned APP has produced the case diary and has opposed the prayer for bail on the ground that the petitioner is involved in the illegal business of narcotic drugs and that 38.68 grams of suspected heroin was recovered from his possession.

4. Although the case diary reveals sufficient incriminating materials against the petitioner of storing 38.68 grams of suspected heroin in 3 nos. of soap boxes, but considering the fact that the petitioner has suffered custody of 57 days as on date, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary.

5. Hence, the Court is inclined to grant bail to the petitioner, namely, Md. Abdul Salam in connection with the aforesaid case on furnishing bail bond of Rs.1,00,000/- with two solvent sureties of like amount to the satisfaction of the learned Sub Divisional Judicial Magistrate, Kailabor. Out of the two sureties, one should offer his/her immovable property as security for grant of bail, having sufficient value to cover the bail amount.

6. Bail is granted on the following conditions:

- I. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
- II. The petitioner 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. The petitioner shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioner shall not misuse his liberty in any manner.

V. The petitioner shall appear before the I/O within 10 (ten) days from the date of his release and he shall continue to appear once in every month till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

7. If the I/O finds that the petitioner is involved in any similar offence, it would be open for the I/O to approach the jurisdictional Court and apply for cancellation of bail.

8. This application stands disposed of.

9. Case diary is returned.

JUDGE

Comparing Assistant