

GAHC010000352024



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

Case No. : Bail Appln./45/2024

MD SAFIKUL ISLAM AND ANR
S/O- LT. BAHAR ALI, R/O- VILL- KURIHAMARI, P.S. MUKALMUWA, DIST.-
NALBARI, ASSAM

2: MD. HAYEJ UDDIN @ HAJ UDDIN
S/O- LT. MAYEJ ALI
R/O- VILL- BHATKHOA DIYA
P.S. SUWALKUCHI
DISTRICT- KAMRUP (M)
ASSA

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 MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-01-2024

1. Heard Mr. B. Choudhury, learned counsel for the petitioners *Md. Safikul Islam and Md. Hayej Uddin@Haj Uddin.*

2. The petitioners have filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as they are behind bars since 19.11.2023 in connection with Dillai Police Station Case No. 65/2023 corresponding to G.R. No. 340/2023 under Sections 21(b)/29 of the Narcotic Drugs Psychotropic Substances Act, 1985 (NDPS Act for short).

3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

4. The allegation is that the petitioners were apprehended while in possession of 233.03 grams of heroin along with containers.

5. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials against the petitioners. The petitioners were caught red handed with the contraband. The case diary has also been forwarded without the FSL report.

6. I have perused the case diary. I have considered the submissions at the bar with circumspection. The petitioners are behind bars for 55 (fifty five) days. They are booked under Sections 21(b)/29 of the NDPS Act. The case diary reveals that investigation has progressed to a considerable extent. The petitioners are local residents and they have pledged to cooperate with the investigation.

7. Considering all aspects, petition is allowed.

8. The petitioners are enlarged on bail on furnishing a bail bond of Rs.50,000/- (*Rupees Fifty Thousand*) each with suitable surety of like amount to the satisfaction of the learned Special Judge, Karbi Anglong under the conditions:

1. *The petitioners shall refrain from such activities with which they are*

alleged,

2. the petitioners shall cooperate with the trial and not tamper with evidence,

3. the petitioners shall not jump the bail,

9. On breach of any of the bail conditions, bail order shall stand cancelled.

Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant