

GAHC010000782024



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

Case No. : Bail Appln./30/2024

JOHNNY CHOUDHURY AND 2 ORS
S/OLATE M.R. CHOUDHURY
R/O VILL- BABUPARA
P.S. BABUPARA
DIST. IMPHAL (MANIPUR)

2: SAHIL HUSSAIN
S/OLATE HUSSAIN
R/O VILL- MINUTHONG HATTA
P.S. POROMPAT
DIST. IMPHAL
MANIPUR

3: SHAH NIWAZ
S/O HALLAL UDDIN
R/O VILL- MINUTHONG HATTA
P.S. POROMPAT
DIST. IMPHAL
MANIPU

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S K NARGIS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 23-01-2024

1. Heard Ms. S.K. Nargis, learned counsel for the petitioners *Johnny Choudhury, Sahil Hussain and Shah Niwaz*.
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 02.12.2023 in connection with Chaygaon Police Station Case No. 553/2023 under *Sections 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985*.
3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State of Assam.
4. The learned Additional Public Prosecutor has submitted that the case diary is received but the FSL report is not received and there are incriminating materials against the petitioners that the petitioners were found in possession of 8.22 gms of heroin.
5. It is submitted on behalf of the petitioners that the petitioners are willing to cooperate with the investigation as well as with the trial and they have pledged to abide by any bail conditions if imposed upon them.
6. I have considered the submissions at the bar with circumspection. I have also perused the case diary. The case diary reveals that investigation has progressed to a considerable extent. I have considered the submission that the petitioners are local residents. They have pledged to abide by any bail conditions to be imposed upon them and they have also pledged to cooperate with the investigation as well as with the trial.

7. Considering the submissions at the bar, petition is allowed.
8. The petitioners are enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* each with a suitable surety of like amount to the satisfaction of the learned Special Judge, Kamrup, Amingaon under the conditions that:
 - (1) *The petitioners shall refrain from such activities with which they are alleged.*
 - (2) *The petitioners shall not leave the jurisdiction of the trial Court without prior permission till completion of the trial.*
 - (3) *The petitioners shall not tamper with the evidence or try to influence the witnesses.*
9. On breach of any of the bail conditions, bail order shall stand cancelled.
10. Send back the case diary.

In the above terms, bail Application stands disposed of.

JUDGE

Comparing Assistant