

GAHC010008632024



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

Case No. : Bail Appln./173/2024

BATEN ALI @ MIYA @ BATEN MIYA
S/O ISMAIL ALI @ ISMAIL MIYA
R/O VILL- KOKILA MAJ PARA
P.O. KOKILA,
P.S. ABHAYAPURI,
DIST. BONGAIGAON, ASSAM
PIN-783392

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A S ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30-01-2024

1. Heard Mr. SAB Khabir, learned counsel for the petitioner, Sri Baten Ali @ Miya @ Baten Miya.

2. The petitioner has filed this application under Section 439 Cr.PC, with prayer for bail as he is in jail since 20.12.2023, in connection with Abhayapuri PS Case No. 553/2023, under Sections 20(A) Narcotic Drugs and Psychotropic Substances Act, 1985 corresponding to NGR No. 934/2023.

3. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State of Assam.

4. I have considered the submissions at the Bar. The petitioner is forwarded to custody as four *ganja* trees (shrub) were found within his house premises.

5. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioner.

6. I have considered the submissions on behalf of the petitioner that he is a local resident and he is booked u/s 20(A) of the NDPS Act which implies he was found in possession of small quantity of *ganja*. I have also considered the submissions that the petitioner is willing to abide by any bail conditions. The petitioner has pledged to co-operate with the trial.

7. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with a suitable surety of the like amount, to the satisfaction of the learned Additional Sessions Judge, Abhayapuri under the conditions that:-

- i. The petitioner shall refrain from such activities with which he is alleged;
- ii. the petitioner shall not leave the jurisdiction of the Court without prior permission till completion of trial; and
- iii. the petitioner shall not tamper with the evidence.

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

Bail Application stands disposed of.

Send back the Case Diary.

JUDGE

Comparing Assistant