

GAHC010009332024



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

Case No. : Bail Appln./215/2024

MUNNA KHAN AND 2 ORS
S/O ISLAM KHAN
R/O WARD NO. 2, SONARI
P.S.SONARI
DIST. CHARAIDEO, ASSAM

2: AZARUL RAHMAN
S/O WASID ALI
R/O TEOK
RAJABARI
P.S. SONARI
DIST. CHARAIDEO
ASSAM

3: AZIBUR RAHMAN
S/O MOFIJUL RAHMAN
R/O SONARI
WARD NO. 7

P.S. SONARI

DIST. CHARAIDEO
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

23.02.2024

Heard Mr. B Islam, learned counsel for the petitioners. Also heard Mr. BB Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

This is an application under Section 439 Cr.P.C. praying for bail to the petitioner Nos 2.Azarul Rahman and 3. Azibur Rahman, who were arrested on 29.12.2023 in connection with Borkhola Police Station Case No.200/2023 under Sections 21(b)/25/29 of the NDPS Act (corresponding to G.R Case No.4708/2023).

It has been brought to the notice of this Court that the petitioner No.1 i.e. Munna Khan had already been granted bail by this Court on 13.02.2024 on medical ground.

It is submitted by the learned counsel for the petitioners that the petitioner No.2 and 3 above-named have been in custody for last 57 days and three days are left for completing the statutory period of 60 days in detention. It is further submitted that nothing was recovered from the possession of the petitioner Nos.2 and 3, though they were traveling in the offending vehicle, but they had no knowledge about the contrabands being carried inside the vehicle and accordingly it is prayed that considering the length of detention of the petitioners No.2 and 3 in custody, they may be enlarged on bail.

On the other hand, the learned Additional Public Prosecutor, Assam submits that the case diary is not available, though the petitioners have completed about 57 days in jail custody and the charge sheet is not yet submitted.

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

Considering the length of detention of the petitioners, this Court is inclined to grant bail to the petitioners.

Accordingly, the petitioner No.2 and 3 above-named, shall be released on bail in connection with the aforementioned police station case on furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) each with two sureties each of the like amount to the satisfaction of the learned Special Judge Cachar, Silchar, subject to the following conditions that the petitioners:

- (a) shall not leave the territorial jurisdiction of the learned Special Judge Cachar, Silchar, without obtaining prior written permission,
- (b) shall not hamper with the investigation, or 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 from disclosing such facts to the Court or to any police officer.

The bail application, accordingly, stands disposed of.

JUDGE

Comparing Assistant