

GAHC010009372024



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

Case No. : Bail Appln./159/2024

SIRAJUL HAQUE
S/O SIFAR ALI
R/O VILL- BHELOWGURI, CHANGMAJI PATHER, P.O. MODERTOLI,
P.S. DOBOKA
DIST. HOJAI, ASSAM
PIN-782440

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

08.02.2024

Heard Mr F A Hassan, learned counsel for the petitioner, Sirajul Haque.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail as he is behind bars for 45 days since 25.12.2023, in connection with Doboka PS Case No. 238/2023, registered under Sections 20(b)/29 of the NDPS Act.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. The learned Additional Public Prosecutor has submitted that the Case Diary is not received.
5. The learned counsel for the petitioner has objected stating that this case has been fixed for hearing and on two occasions, Case Diary has been called and today is the third day Case Diary is not received. The petitioner's personal liberty has been curtailed.
6. It is submitted on behalf of the petitioner that the petitioner is willing to cooperate with the trial and to abide by any bail conditions, if imposed on him.
7. I have considered the submissions at the Bar.
8. The petitioner was apprehended while carrying 2.103 kgs of ganja. He has been behind bars for 45 days.
9. It appears that investigation may have presumably progressed to a considerable extent.
10. It also appears that further custodial detention of the petitioner may not be required for the progress of investigation.
11. I have also considered the submission that the petitioner is willing to abide any bail conditions, if imposed upon him.
12. 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

Special Judge, Sankardev Nagar, Hojai/jurisdictional Court, 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 investigation as well as the trial.
- iii) the petitioner shall not jump the bail.

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

13. Bail Application stands disposed of.

JUDGE

Comparing Assistant