

GAHC010034242024



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

Case No. : Bail Appln./464/2024

MAIDUL ALI AND ANR
S/O HANIF ALI
R/O VILL- SILA
P.S. CHANGSARI
DIST. KAMRUP, ASSAM

2: AMIR ALI
S/O MD. ZUBED ALI
R/O VILL- SILA
P.S. CHANGSARI
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR N AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28.03.2024

Heard Mr. B. Choudhury, learned counsel for the petitioners. Also heard Mr.

B.B. Gogoi, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Maidul Ali and Amir Ali**, in connection with **Changsari P.S. Case No. 42/2024 (corresponding to G.R. No. 136(K)/2024)**, registered under Section **21(b) of NDPS Act**.

The learned counsel for the petitioners submits that the case was registered under Section 21(b) of NDPS Act. However, it appears from the seizure list that the quantity of suspected heroin found to be 10 grams which is a small quantity and the punishment in such cases is one year. It is further submitted that the petitioners have been detained in custody since 30.01.2024. The petitioners have completed 59 days in jail jazot and only one day remaining to complete the mandatory period of detention in custody. Therefore, he has prayed that considering the period of detention, bail may be granted to the petitioners.

In response, Mr. Gogoi, learned Additional Public Prosecutor for the State has produced the case diary. He also submitted that charge-sheet has not yet been submitted. Considering the period of detention, bail may be considered to the petitioners.

I have considered the submissions made by the parties. I have also perused the case diary.

Considering the background of the case as well as the length of detention of the petitioners, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary for the purpose of investigation of the case.

In view of above, the petitioners, named above, shall be released on bail in connection with **Changsari P.S. Case No. 42/2024 (corresponding to G.R.**

No. 136(K)/2024), registered under Section **21(b) of NDPS Act,** on furnishing bail bond of **Rs.50,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned Special Judge, Kamrup, Amingaon, Assam.

The direction for bail is further subject to the conditions that the petitioners:

(a) shall not leave the territorial jurisdiction of learned Special Judge, Kamrup, Amingaon, Assam without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(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.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant