

GAHC010040762024



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

Case No. : Bail Appln./540/2024

MUSSTT. ASHIYA BEGUM
NEAR NAGALAND GATE, DIMAPUR SADAR, DIST. DIMAPUR, PRESENT
ADDRESS DUDU COLONY, LAHORIJAN.,PS KHATKHATI, DIST. KARBO
ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP, ASSAM

Advocate for the Petitioner : MR R AKHTAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

28.02.2024

Heard Mr. S. Munir, learned counsel for the accused and Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Mustt. Ashiya Begum**, who has been languishing in jail hazot since 03.01.2024, in connection with the **Khatkhati P.S. Case No. 03/2024**, under Sections 21(b)/25 of the NDPS Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by SI Dipak Lahon, on 03.01.2024. The essence of allegation made in the FIR is that acting on a tip off on 03.01.2024, at about 5:50 pm, the informant along with his staff conducted search in the house of the accused and recovered one soap box and six numbers of plastic tobacco container containing identical powdery substance suspected to be heroin, weighing total 136.75 grams and also received one Realme C21Y mobile and a sum of Rs. 30,000/-.

4. Mr. Munir, learned counsel for the accused submits that the accused person was arrested on 03.01.2024, and since then she has been languishing in jail hazot for last 57 days. Mr. Munir further submits that the quantity contraband substance recovered from the possession of the accused is 136.75 grams, which is an intermediate quantity. Mr. Munir also submits that the accused is a lady of 53 years old and she has been suffering from some different ailments and that she is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. Sharma, learned Additional Public Prosecutor submits that as per information received from the IO concerned, the investigation is still going on.

6. Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record.

7. It appears that the accused person was arrested on 03.01.2024, and since then she has been languishing in jail hazot for last 57 days. Further, it appears that the quantity of contraband substance recovered from the possession of the accused is 136.75 grams, which is an intermediate quantity. It

also appears that the accused is lady of 53 years old and she has been suffering from different ailments, as per learned counsel for the accused.

8. Having considered above and balancing the period of detention with the nature and gravity of the offence, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Special Judge, NDPS, Karbi Anglong, Diphu**, the accused be enlarged on bail.

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

Comparing Assistant

JUDGE