

GAHC010041522024



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

Case No. : Bail Appln./595/2024

SARIFUL ISLAM
S/O LATE AJGOR ALI SK. @ ASGAR ALI SK.
R/O VILL- KALNOI
P.S. FAKIRGANJ
P.O. MEDORTARI
DIST. DHUBRI, ASSAM
PIN-783330

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M H TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 27.03.2024

Heard Mr. M.H. Talukdar, learned counsel for the petitioner. 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 petitioner, namely, **Sariful Islam**, in connection with **Agia P.S. Case No. 06/2024(GR No. 91/2024)**, registered under Section **21(B)/29 of NDPS Act**.

It is submitted by the learned counsel for the petitioner that nothing was recovered from the possession of the petitioner. As per FIR, during naka checking, a vehicle bearing Regd. No. AS-17-E-9589 arriving from Goalpara side was intercepted and on being searched the vehicle, two unidentified passengers absconded from the place, leaving behind ten packets suspected brown sugar concealed with the vehicle of the petitioner. The petitioner is the driver of the said vehicle and he has no knowledge about carrying of such suspected brown sugar in the said vehicle. It is further submitted that the petitioner has been detained in custody since 30.01.2024. The petitioner has completed 58 days in jail jazot and only two days 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 petitioner.

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 petitioner.

I have considered the submissions made by the parties.

Considering the background of the case as well as the length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner 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 **Agia P.S. Case No. 06/2024(GR No. 91/2024)**,

registered under Section **21(B)/29 of NDPS Act**, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned Special Judge, Goalpara, Assam.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge, Goalpara, 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