

GAHC010042792024



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

Case No. : Bail Appln./623/2024

MOHAMMED MINAZUDDIN @ MD. MINHAJUDDIN
S/O- MOHAMMED KAMAL UDDIN, R/O- LILONG, NEAR WATER SUPPLY, P.S
- LILONG, DIST - THOUBAL, MANIPUR

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P ASSAM

Advocate for the Petitioner : MR J I MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 03.04.2024

- 1)** Heard Mr. M. A. Islam, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.
- 2)** This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Mohammed Minazuddin @ Md.

Minhajuddin who has been detained behind the bar since 12.02.2024 (for the last 50 days) in connection with Dispur P. S. Case No. 120/2024 under Section 21(b) of the NDPS Act, 1985.

3) The gist of the accusation in this case is that on 12.02.2024 one Parishmita Mudoi, S.I. of Police had lodged an FIR before the Officer-In-Charge of Dispur Police Station, *inter-alia*, alleging that 184 grams of heroin was recovered from the bumper of the vehicle bearing Registration No. MN01 AK 5059.

4) The present petitioner is the driver of the said vehicle. Learned counsel for the petitioner has submitted that the seized contraband which was recovered in this case does not belong to the present petitioner and the owner of the said contraband who was also travelling in the said vehicle fled away when the search of seizure was made.

5) Learned counsel for the petitioner has also submitted that considering the period of detention the petitioner may be allowed to go on bail.

6) On the other hand, learned Additional Public Prosecutor has submitted that the investigation has fairly progressed and it is pending only for the collection of the forensic laboratory report. It is also submitted by the learned Additional Public Prosecutor that the Investigation Officer has collected sufficient incriminating material against the present petitioner.

7) I have considered the submissions made by the learned counsel for the petitioner as well as by learned Additional Public Prosecutor and have perused the materials on record including the case diary of Dispur P. S. Case No. 120/2024.

8) Though, there are incriminating materials against the present petitioner, however, considering the fact that the contraband seized in this case is of

intermediate quantity and the maximum period for which the petitioner can be detained during the investigation under Section 67 of the Code of Criminal Procedure, 1973 is only 60 days whereas he has already completed 50 days behind the bar. Considering the period of detention already undergone by the petitioner as well as considering the progress made in the investigation, further, custodial detention of the petitioner does not appear to be necessary for completion of the Dispur P. S. Case No. 120/2024.

9) In view of the above, the petitioner, namely, Mohammed Minazuddin @ Md. Minhajuddin is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Special Judge, Kamrup (M) with the following conditions:

- i. That the petitioner shall cooperate in the investigation.
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

With the above observation, this bail application is accordingly disposed of.

JUDGE

Comparing Assistant