

GAHC010049232024



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

Case No. : Bail Appln./699/2024

SHAHID ALI
S/O NAJMUL HOQUE
PERMANENT RESIDENT OF VILL- KUSHBARI PART-I, P.O. KUSHBARI P.S.
MENERCHAR,
DIST. BONGAIGAON, ASSAM
PIN-783384
TEMPORARY RESIDENT OF VILL- ALENGMARI, P. BAGARGAON
P.S. BIJNI,
DIST. CHIRANG, BTR, ASSAM, PIN-783390

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 08.04.2024

- 1)** Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, 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, Shahid Ali, who has been detained behind the bars since 08.02.2024, (for last 60 days), in connection with Bijni P. S. Case No. 15/2024.
- 3)** Learned counsel for the petitioner has submitted that the petitioner was apprehended on 08.02.2024 on the basis of an FIR lodged by one Jyotismita Roy, before the Officer-In-Charge of Bijni Police Station, wherein it was alleged that 2194 grams of suspected ganja was recovered from the possession of the present petitioner.
- 4)** It is submitted by learned counsel for the petitioner that considering the quantity of ganja seized in this case, Bijni P. S. Case No. 15/2024 was registered under Section 20(b)(ii)(B) of the NDPS Act, 1985.
- 5)** It is also submitted by learned counsel for the petitioner that as the quantity of ganja seized in this case is of intermediate quantity, the maximum period of detention for which the petitioner may be detained under Section 167 of the Code of Criminal Procedure, 1973, is only 60 days, which he has completed today.
- 6)** I have perused the materials available on record, it appears that the petitioner has been detained behind the bars for last 60 days in connection with an offence of possessing intermediate quantity of ganja. For the said offence,

the maximum statutory period of detention for which the petitioner may be detained during the period of investigation is only 60 days.

7) In view of above, the above-mentioned petitioner is 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, Chirang 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