

GAHC010052502024



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

Case No. : Bail Appln./736/2024

MOSTAFA ALI
S/O LATE NAUSAD ALI,
RESIDENT OF UDIANA RANGIYA, DIST KAMRUP ASSAM 781354

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : T A LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

10/04/2024

Heard Mr. T A Laskar, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

2. This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Mostafa Ali**, son of Lt. Nausad Ali, seeking bail in connection with **Rangia P.S. Case No. 64/2024** registered under Sections 21(b)/20(b)(ii)(B) of the NDPS Act, corresponding to G.R. Case No. 150/2024, in which he was arrested on 15.02.2024 and is in custody since then.

3. From the perusal of the FIR of the case dated 14.02.2024 and the accused forwarding report dated 15.02.2024, the facts of the case can be seen as that on receipt of information from reliable source around 4 P.M. on 14.02.2024 that Narcotic Drugs and Psychotropic Substances of Heroin and

Ganja is going to be sold at Ward No. 01 of Rangia near Rangia Railway Station, after making General Diary Entry in Rangia Police Station vide G.D. Entry No. 17/2024, being duly authorized, the police team of Rangia Police Station led by its Officer-in-Charge, the Sub-Inspector, i.e., the informant of the case and other police personnel from the said police station proceeded to the said ward, wherein the petitioner was intercepted in one Scooty bearing registration No.AS 25Q 6769 in presence of the local witnesses and during search in presence of such witnesses 21 nos. of container containing suspected Narcotic Drugs in one black colour plastic carry bag and 2 packets of suspected Ganja in another black carry bag were recovered from the possession of the petitioner.

4. From one of the bag recovered from the possession of the petitioner, 2 kgs. of suspected Ganja could be found and from the container, 32.35 gms. of suspected Narcotic Drugs were recovered along with the container. After proper weighing, from a plastic pouch of the container, a total of 6.66 gms (with the plastic pouch) suspected Narcotic Drugs were recovered along with the said Ganja from the possession of the petitioner. After making proper and necessary seizure list, those Narcotic Drugs and Psychotropic Substances were seized from the possession of the petitioner in presence of the witnesses.

5. On being enquired, Mr. Goswami, learned Additional Public Prosecutor, Assam on instructions submitted that though the investigation of the case is almost complete, but due to non-receipt of the report from the Forensic Laboratory pertaining to the seized Narcotic Drugs and Psychotropic Substances, the charge-sheet could not be filed till date.

6. It is seen that till date, since 15.02.2024, the petitioner is in custody for almost 56 days.

7. From the seizure list itself, it could be seen that both the suspected Ganja as well as the suspected Narcotic Drugs of Heroin being 2 Kgs. and 6.66 gms., are less than commercial quantity.

8. Considering the above and the period of detention of the petitioner in custody since 15.02.2024, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Rangia P.S. Case No. 64/2024. As such, this bail application of the petitioner in said Rangia P.S. Case is accepted.

9. Accordingly, the petitioner, namely, **Mostafa Ali**, be released on bail in said **Rangia P.S. Case No. 64/2024** registered under Sections 21(b)/20(b)(ii)(B) of the NDPS Act, corresponding to G.R. Case No. 150/2024 on furnishing a bail bond of Rs.75,000/- with 2 (two) local sureties each of the like amount, to the satisfaction of the learned Special Judge (NDPS), Kamrup, Amingaon, on the

following terms and conditions that the petitioner–

- (i) shall appear before the Investigating Officer of said Rangia P.S. Case No. 64/2024 on or before 15.05.2024 and thereafter, as and when he is required for necessary investigation of the case;
- (ii) shall not leave the territorial jurisdiction of the Rangia Police Station, without obtaining prior written permission from the learned Special Judge (NDPS), Kamrup, Amingaon;
- (iii) shall not hamper with the investigation, or tamper with the evidence of the case;
- (iv) shall not indulge in any such activities of illegal consumption of narcotic substances in future;
- (v) 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 and
- (vi) shall not indulge in any manner in any criminal activities.

10. It is made clear that failure on the part of the petitioner to comply with any of the terms and conditions noted above, the bail granted to him in the aforesaid **Rangia P.S. Case No. 64/2024** shall stand automatically vacated.

11. This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant