

GAHC010054982024



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

Case No. : Bail Appln./786/2024

KHAIRUL HUSSAIN
S/O MASPUR ALI
VILL- MURARA (KAJIGAON)
P.S. RANGIA,
DIST. KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09.04.2024

1. Heard Mr. S. M. Abdullah, learned counsel for the Petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner Khairul Hussain, who has

been detained behind the bars since 24.02.2024 (for last 46 days), in connection with Mangaldai P.S. Case No. 50/2024, under Section 20(b)(ii) (B) of the NDPS Act, 1985.

3. The gist of accusation in this case is that on 24.02.2024, Sri. Surajit Rajkonwar had lodged an FIR before the Officer In-charge of Mangaldai Police Station, *inter alia*, alleging that the present petitioner was apprehended on the basis of a source information received by police, along with 9.4kg of suspected ganja.

4. Learned counsel for the petitioner has submitted that the allegations made against the petitioner in the FIR are not true.

5. It is also submitted that the petitioner is a person with permanent locomotor disability and hence, a differently abled person. It is also submitted that considering the period of detention already undergone, i.e., 46 days, he may be allowed to go on bail.

6. On the other hand, learned Additional Public Prosecutor has submitted that he has produced the case diary of Mangaldai P.S. Case No. 50/2024 and has submitted that the investigation of the case has fairly progressed and same is pending only for the receipt of the FSL report.

7. Considering the submissions made by learned counsel for both the parties as well as considering the quantity of contraband seized, which is of intermediate quantity, the period of detention already undergone by the petitioner as well as the progress made in the investigation, further custodial detention of the present petitioner does not appear to be necessary for fair completion of the investigation of Mangaldai P.S. Case No. 50/2024, if the petitioner cooperates with the

Investigating Officer.

8. In view of the above reasons, the above named petitioner is allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Special Judge, NDPS, Darrang, Mangaldai with following conditions that:-

(i) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

(ii) the petitioners shall co-operate in the investigation.

9. With above observations, this bail application has been disposed of.

JUDGE

Comparing Assistant