

GAHC010055102024



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

Case No. : Bail Appln./792/2024

HABIBOR RAHMAN
S/O MOFIJUDDIN
R/O JORSHIMULI
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 02.04.2024

Heard Mr. F.Haque, learned counsel for the accused petitioner as well as Mr. B.Sharma, learned Additional Public Prosecutor, Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Habibor Rahman** has prayed for grant of bail in connection with **Chhaygaon P.S. Case No.49/2024** under Section under Section 21 (b) of the NDPS Act.

Mr. F.Haque, learned counsel for the accused petitioner, submits that the accused has been in judicial custody for 57 days.

Learned Additional Public Prosecutor, submits that case diary is received without the FSL report.

The prosecution case reveals that 5.63 grams of suspected heroine was recovered and seized from the possession of present accused petitioner.

Having heard learned counsel for the parties and considering the length of detention of the accused petitioner in judicial custody, this Court is of the considered opinion that further detention of the accused petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. One Lakh (One Lakh) with 2 (two) sureties** of like amount to the satisfaction of learned **Special Judge (NDPS Act) Kamrup, Amingaon**, subject to the following conditions:

- (I) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (II) That the accused petitioner 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 Police Officer or the Court; and
- (III) That the accused petitioner shall refrain from committing any similar offence in future, of which he is accused/ suspected of commission.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant