

GAHC010055482024



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

Case No. : Bail Appln./771/2024

SAHIDA BEGUM AND ANR.
W/O ZIAUR RAHMAN, D/O LT. ABDUL SALAM, R/O DHOOLA, PANIAKHAT,
PS DHOOLA, DIST DARRANG, ASSAM

2: MAMATA KHATUN
D/O DILBAR SHEIKH
R/O SUBHASH NAGAR
PS AND DIST DHUBRI ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 20-03-2024

Heard Mr. S. Munir, learned counsel for the accused/petitioners. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State/respondent.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioners, namely, (i) **Sahida Begum** and (ii) **Mamata Khatun**, in connection with **Panbazar P.S. Case No. 32/2024**, registered under **Sections 21(b)/29** of the **Narcotic Drugs and Psychotropic Substances Act, 1985**.

3. The learned counsel for the accused/petitioners has submitted that the quantity of suspected heroin recovered from the possession of the accused/petitioner is about 3.72 grams which is small quantity. Though this case is registered under Section 21(b) of the NDPS Act, as the suspected heroin recovered from the possession of the accused/petitioners is small quantity which falls under Section 21(a) of the NDPS Act, the punishment of the said offence is about 1 (one) year. It is also submitted that the accused/petitioner has been detained in custody for last 32 (thirty two) days. Considering the period of detention as well as the background of the case, the accused/petitioner may be enlarged on bail.

4. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor for the State has produced the case diary and has submitted that a small quantity of suspected heroin is recovered from the possession of the accused/petitioners.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the relevant documents as available in the record.

6. In view of the above and considering the length of detention of the accused/petitioners, this Court is of the view that further custodial detention of the accused/petitioners is not necessary for the purpose of investigation of the case.

7. Accordingly, the accused/petitioners, named above, shall be released on

bail in connection with **Panbazar P.S. Case No. 32/2024**, registered under **Sections 21(b)/29** of the **Narcotic Drugs and Psychotropic Substances Act, 1985**, on furnishing bail bond of **Rs.30,000/- each** with **a suitable surety each** of the like amount, to the satisfaction of learned CJM, Kamrup (M), Assam.

8. The direction for bail is further subject to the conditions that the accused-petitioners:

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup (M), without prior written permission from him/her;

(b) 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.

9. In terms of the above, this bail application stands disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant