

GAHC010060962024



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

Case No. : Bail Appln./870/2024

NUREJA BEGUM
WO MOHIDUL ISLAM
R/O SAWKUCHI DIMASA BHAWAN ROAD, P.S. HATIGAON,
DIST. KAMRUP (METRO), 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

20.04.2024

Heard Mr. F. Hoque, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor appearing for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Nureja Begum**, in connection with **Hatigaon P.S. Case No. 30/2024**, registered under **Section 21(C)/29 of NDPS Act**.

The learned counsel for the petitioner submits that though the case was

registered under Section 21(C) of the NDPS Act but as per forwarding report it reveals that seven numbers of soap cases containing suspected heroin weighing about 284 grams with soap cases and 81 grams without soap cases inside a vehicle were recovered in which the petitioner was travelling. Learned counsel for the petitioner further submits that 81 grams of heroin falls under intermediate quantity and Section 21(b) is attracted here in this case. Learned counsel for the petitioner also submits that in case of Section 21(b) the mandatory period of detention is 60 days and the petitioner is in judicial custody for last 59 days. And prays that considering the length of detention, bail may be granted to the petitioner.

On the other hand, Mr. Baruah, learned Additional Public Prosecutor has produced the case diary without the FSL report and submits that the quantity of heroin recovered from the possession of the petitioner falls under intermediate quantity.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the background of the case as well as the length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.1,00,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Special Judge, Kamrup(M), Guwahati**.

The direction for bail is further subject to the conditions that the petitioner:

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

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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.

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

JUDGE

Comparing Assistant