

GAHC010061582024



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

Case No. : Bail Appln./861/2024

MOMINUR RAHMAN
SON OF SURAT JAMAL,
R/O VILL- DOSTI NAGAR,
P.S. GOALPARA,
DIST. GOALPARA, ASSAM
PIN-783101

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 09.04.2024

Heard Mr. A. Khan, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by

the petitioner, namely, **Mominur Rahman**, in connection with **Jogighopa P.S. Case No. 39/2024**, registered under Section **21(b)/29 of NDPS Act, 1985**.

The learned counsel for the petitioner has submitted that the petitioner has been detained in custody since 24.02.2024. It is further submitted that nothing has been recovered from the possession of the accused/petitioner. The contraband items were recovered from a vehicle which was driven by the petitioner and on the date of the incident, the owner of the said vehicle engaged the petitioner to drop some passengers at Jogighopa. Considering the period of detention, bail may be granted to the petitioner.

In response, Mr. Goswami, learned Additional Public Prosecutor for the State submits that case diary has not yet been received. Considering the period of detention, bail may be considered to the petitioner.

I have considered the submissions made by the parties. I have also perused the averments available in the record.

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.

In view of above, the petitioner, named above, shall be released on bail in connection with **Jogighopa P.S. Case No. 39/2024**, registered under Section **21(b)/29 of NDPS Act, 1985**, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned Special Judge, North Salmara, Abhayapuri, Assam.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge,

North Salmara, Abhayapuri, Assam 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