

GAHC010076262024



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

Case : Bail Appln./899/2024

MD. SAIFUL ISLAM
SON OF ABDUL RAHMAN
RESIDENT OF VILLAGE PALASANI
PS SOOTEA
DISTRICT BISWANATH
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : TUN RAJKHOWA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

03.05.2024

Heard Ms. Tun Rajkhowa, learned counsel appearing for the accused petitioner as well as Mr. R. R. Kaushik, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Md.**

Saiful Islam, have prayed for grant of bail in connection with **Special (NDPS) Case No. 10/2024 arising out of Sootea P.S. Case No.20/2024** under Sections **21(b)/29 of NDPS Act, registered as.**

The matter relates to recovery and seizure of 14 grams of heroin from the possession of the accused petitioner which falls under intermediate quantity.

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for more than 60 days wherein the mandatory period of detention of intermediate quantity of narcotic substance is 60 days. Learned counsel for the petitioner, therefore, prays that the petitioner is entitled for default bail.

On the other hand, Mr. R. R. Kaushik, learned Additional Public Prosecutor has submitted that charge-sheet has not been yet been submitted and the petitioner are in judicial custody for last 60 days. Therefore, the petitioner is entitled for default bail.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **one surety** of the like amount, to the satisfaction of learned **Special Judge, Biswanath Chariali.**

The direction for bail is further subject to the following condition that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of the learned trial court without prior written permission from him/her till disposal of the case.

11. Special Judge, Biswanath Chari, is at liberty to impose any other condition(s) as it deems fit and proper at the time of releasing the accused/petitioners on bail to procure their attendance during trial.

12. The observation made above, shall confine for the purpose of disposal of this bail application only and shall not in any way affect the proceeding of the trial.

JUDGE

Comparing Assistant