

GAHC010062562024



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

Case No. : Bail Appln./903/2024

FARUQUE ABDULLAH AND ANR.
S/O BAHAJ UDDIN SHEIKH
R/O VILL- PALASHGURI NO. 1,
P.S. GOSSAIGAON,
DIST. KOKRAJHAR, ASSAM

2: SURAT JAMAL SK.
S/O SIDDIK ALI SK.
R/O SAPKATA-1

P.S. GOSSAIGAON

DIST. KOKRAJHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE LD. PP, ASSAM

Advocate for the Petitioner : MS. K MALAKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 30.04.2024

Heard Ms. K.Malakar, learned counsel for the petitioners as well as Mr.R.J.Baruah, learned

Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Faruque Abdullah** and **2. Surat Jamal Sk.** have prayed for grant of bail in connection with **Bongaigaon GRPS Case No.24/2024** under Sections 20(b) (ii)B/29 of the NDPS Act.

Case diary is received without the FSL report.

The learned counsel for the petitioners submits that the petitioners have been languishing in judicial custody for 59 days and the contraband items which were recovered from their possession falls under the intermediate quantity under the NDPS Act and the mandatory period of detention for such offence is 60 days and as such, considering length of detention, bail may be considered.

The learned Addl.P.P. has produced the case diary without the FSL report.

Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it appears that the petitioners are in judicial custody for 59 days today and as such, considering length of detention, this Court is of the considered opinion that further detention of the petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the accused petitioners, named above, shall be released on bail of **Rs. 50,000/-** each with 02(two) sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Kokrajhar**, subject to the following conditions- :

- (i) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (ii) That the petitioners 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.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant