

GAHC010068412024



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

Case No. : Bail Appln./1009/2024

MD. LUTFUR AHMED
SON OF MD NASIR ALI,
RESIDENT OF VILLAGE GORIAJAN, WARD NO 13, P.S. NORTH
LAKHIMPUR DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.04.2024

Heard Mr. B. Choudhury, 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 petitioner, namely, **Md Lutfur Ahmed**, in connection with **North Lakhimpur P.S. Case No. 58/2024 (corresponding to G.R. No. 178/2024)** registered under **Section 21(b)/29 of NDPS Act, 1985**.

The learned counsel for the petitioner submits that the petitioner has been languishing in judicial custody since 14.03.2024. The quantity of suspected heroine recovered from the possession of the present petitioner is intermediate. It is further submitted that four persons were arrested in connection with this case including the present petitioner. From the FIR as well as forwarding report, it reveals that the petitioner is a drug addict. Considering the period of detention as well as the background of the case, the petitioner may be enlarged on bail.

On the other hand, Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary and submitted that intermediate suspected heroine was recovered from the possession of four arrested persons. However, FSL report has not been received. He further submits that at this stage, bail may not be considered to the petitioner.

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

It appears that the petitioner is a drug addict person. Considering the fact 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 accused-petitioner, named above, shall be released on bail in connection with **Lakhimpur P.S. Case No. 58/2024 (corresponding to G.R. No. 178/2024)** 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 Lakhimpur, Lakhimpur, Assam.

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

- (i) shall not leave the territorial jurisdiction of learned Special Judge, North Lakhimpur, Lakhimpur, Assam, without prior written permission from him/her;
- (ii) 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.

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

JUDGE

Comparing Assistant