

GAHC010075772024



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

Bail Appln./1026/2024

AMSER ALI
S/O- LATE MD. HUSSAIN ALI
VILL.- THEKA PATHAR
P.O. KHARDHARA
P.S. AND DIST. BARPETA
ASSAM
PIN- 781309.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P.
ASSAM

Advocate for : MR. S AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 06.05.2024

Heard Mr. S.Ahmed, learned counsel for the petitioner 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-petitioner, namely, **Amser Ali** has prayed for grant of bail in connection with **Barpeta P.S. Case No.125/2024** under

Sections 21(b)/29 of the NDPS Act.

The learned counsel for the petitioner submits that the petitioner has been in judicial custody for 55 days since he was arrested on 13.03.2024. The quantity of narcotic drugs are intermediate quantity wherein the mandatory period is 60 days. It is further submitted that the suspected contraband has already been recovered and nothing to remain for investigation. As such, considering length of detention, bail may be considered.

The learned Addl.P.P. has produced the case diary without the FSL report and submits that the investigation has substantially progressed except 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 substantial part of investigation is complete and as such, considering length of detention, this Court is of the considered opinion that further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act) Barpeta**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned Special Judge, Barpeta without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner 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