

GAHC010069772024



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

Case No. : Bail Appln./984/2024

ISANOOR ALI @ ISHANUR ALI SK. AND ANR.
S/O ABDUL MOTALEB @ MOTALIB AND R/O VILL- NO. 1 POLASGURI, P.S.
GOSSAIGAON
IN THE DISTRICT OF KOKRAJHAR, ASSAM

2: MOSHRAF HUSSAIN @ MUSHRAF HUSSAIN
S/O SARBAT ALI AND R/O VILL- NO. 1 POLASGURI
P.S. GOSSAIGAON IN THE DISTRICT KOKRAJHAR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR A W AMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 09.05.2024

Heard Mr. A.W.Aman, learned counsel for the petitioners as well as Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Isanoor Ali @ Ishanur Ali Sk.** and **2. Moshraf Hussain @ Mushraf Hussain** have prayed for grant of

bail in connection with **Gossaigaon P.S. Case No.46/2024** under Section 21 (b) of NDPS Act.

The learned counsel for the petitioner submits that the petitioner has been in judicial custody for 60 days since he was arrested on 11.03.2024 and the mandatory period for such offence is 60 days. Charge sheet has not been submitted and as such, the petitioner is entitled for default bail.

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 petitioner is in judicial custody for 60 days today and charge-sheet is not yet submitted in the case 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, Kokrajhar**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, Kokrajhar** 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