

GAHC010073122024



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

Case No. : Bail Appln./1024/2024

NUREJA KHATUN @ NURJA KHATUN
DAUGHTER OF JAYSHER ALI, RESIDENT OF NIJARA PATH, NOONMATI, PS
NOONMATI, DISTRICT KAMRUP (METRO) GUWAHATI, ASSAM
PERMANENT ADDRESS-
R/O NEAR GAURIPUR BAZAR,
P.S. GAURIPUR, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 08.04.2024

Heard Mr. S. Munir, learned counsel for the petitioner and Mr. PD Goswami, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner

namely, Nureja Khatun @ Nurja Khatun, praying for bail, who was arrested on 02.04.2024 in connection with Panbazar P.S. Case No. 70/2024 under Sections 21(b)/ 29 of the NDPS Act, 1985.

Heard both sides.

It is submitted by the learned counsel for the petitioner that though the case was registered under Section 21(b) of the NDPS Act but as per order dated 02.04.2024 of the learned Magistrate, it reflects that the suspected heroin recorded weighing 19.51 grams with 15 plastic vials but without container, the quantity of contraband found to be of 1.93 grams, which is small quantity, and falls under Section 21(a) of the NDPS Act, wherein punishment is for one year.

It is also pointed out by the learned counsel for the petitioner that as per seizure list, suspected seized heroin was recovered from two persons. Considering the nature of the offence, the petitioner may be enlarged on bail.

The learned Additional Public Prosecutor has submitted that as the suspected seized heroin appears to be small quantity, the petitioner may be enlarged on bail.

In view of the above, considering the materials available on the record including the length of detention I find that further custodial interrogation of the accused/petitioner may not be required. Accordingly, it is directed that the accused/ petitioner shall be released on bail on furnishing a bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (Metro), Guwahti in connection with the aforesaid case.

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

(a) shall not leave the territorial jurisdiction of the learned CJM,

Kamrup (Metro), Guwahati without prior written permission from him/ her.

- (b) 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 or to any police officer.

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

JUDGE

Comparing Assistant