

GAHC010077442024



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

Case No. : Bail Appln./1128/2024

ROFIQUL ISLAM @ RAFIKUL ISLAM
S/O LATIF ALI
R/O VILL- BIRSING PT.III,
P.S. FAKIRGANJ
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.05.2024

Heard Mr. M.Khan, learned counsel for the petitioner as well as Mr. R.R.Kaushik, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Rofiqul Islam @ Rafikul Islam** has prayed for grant of bail in connection with **Special Case No.227/2023** arising out of Fakirganj P.S. Case No.93/2023 under Sections 21(a)/22(b)/29 of the NDPS Act.

The learned counsel for the petitioner submits that no any contraband item was recovered

from the possession of the present petitioner. On the basis of statement of co-accused, he has been named in the charge sheet and shown as absconder. It is further submitted that earlier though the petitioner had approached before this court seeking pre-arrest bail, but as charge sheet was submitted, the matter was closed with a direction to the petitioner to appear before the trial court seeking regular bail. Accordingly, he surrendered before the trial court on 29.02.2024 on which date, he was taken into custody and since then, he is languishing in judicial custody for last 75 days. The petitioner has himself surrendered before the trial court and as such, if he is released on bail, there is no chance of his further absconding. The petitioner is a local resident of Dhubri district and as such, considering length of detention, petitioner may be released on bail.

The learned Addl.P.P. has made objection against the prayer of bail of the petitioner.

Having heard learned counsel for the parties and on perusal of case records, it appears that intermediate quantity of contraband item was recovered from the possession of three co-accused. Though nothing was recovered from his possession, however, as per statement of witnesses during investigation, it reflects that the petitioner was also involved in selling the suspected contraband drugs on the date of incident along with other co-accused person. However, considering all the matter in its entirety and length of detention, this Court is inclined to grant bail to the petitioner.

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, Dhubri** subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, Dhubri** without prior written permission from him/her;
- (ii) 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 Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant