

GAHC010077712024



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

Case No. : Bail Appln./1122/2024

RATNESWAR NATH AND 2 ORS
S/O DOLIRAM NATH,
RESIDENT OF VILLAGE ATHIABARI, PS SAPATGRAM, DIST DHUBRI,
ASSAM 783345

2: MD. AJIJUL HOQUE
S/O PONORUDDIN

RESIDENT OF VILLAGE NADERKUTHI
PS SAPATGRAM
DIST DHUBRI ASSAM 783348

3: MD. ENAMUL HOQUE
S/O NUR ISLAM HOQUE

RESIDENT OF VILLAGE MASPARA
PS BILASIPARA
DIST DHUBRI
ASSAM 78334

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR D C NATH

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 18.04.2024

Heard Mr. D.C. Nath, learned counsel for the petitioners and Mr. D.P. Goswami, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioners, namely, (1) Ratneswar Nath, (2) Md. Ajjul Hoque and (3) Md. Enamul Hoque, praying for bail, who were arrested on 29.03.2024 in connection with Saptagram P.S. Case No. 15/2024 under Section 20(b) (ii)(A) of NDPS Act read with Section 4 of the AGBP Act.

It is submitted by the learned counsel for the petitioners that as per seizure list 269 grams of suspected ganja were recovered from the possession of the petitioners which are less than small quantity and the petitioners were in custody for last 21 days since their arrest on 29.03.2024. It is further submitted that the punishment for the alleged offence is for one year. It is further submitted that the petitioners were carrying such ganja for their personal consumption. In view of the above, bail may be granted to the petitioners.

The learned Additional Public Prosecutor has fairly submitted that the petitioners may be enlarged on bail considering the quantity of contraband.

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/ petitioners may not be required. It is directed that the accused/ petitioners be released on bail on furnishing a bond of Rs. 40,000/- each with a suitable surety each of like amount to the satisfaction of the learned Special Judge, Bilasipara in connection with the aforementioned case.

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

- (a) shall not leave the territorial jurisdiction of the learned Special Judge, Bilasipara, without prior written permission from him/ her;
- (b) shall not hamper with the investigation and tamper with the evidence of the case; and

- (c) 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