

GAHC010081912024



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

Case No. : Bail Appln./1202/2024

MOHIDUL ISLAM AND ANR.
SO SONARUDDIN
R/O GORALMARI MATHAGURI
P.S. BOKO
DIST. KAMRUP (R), ASSAM

2: FARIDUL ISLAM @ TARKATA
S/O AFIAL SK.
R/O LAKHIPUR W/NO. 3
P.S. LAKHIPUR
DIST. GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.05.2024

Heard Mr. A. Ahmed, learned counsel for the petitioners. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Mohidul Islam and Faridul Islam @ Tarkata**, in connection with **Jalukbari P.S. Case No. 101/2024**, registered under **Section 20(a)/29 of NDPS Act, 1985 r/w Section 489(A)/489(B)/489(C)/34 of IPC.**

It is submitted by the learned counsel for the petitioners that both the petitioners have been detained in custody for the last 75 days. It is also submitted that regarding the offence under the provision of NDPS Act, only 3.20 grams of suspected heroin was recovered from the possession of the petitioners which is a small quantity wherein mandatory period is 60 days. It is further submitted that the fake currency notes were recovered from the petitioner No. 2 and Section 489(C) of IPC will attract in this case and Section 489(C) is bailable in nature. Considering the background of the case as well as the length of detention, bail may be granted to the petitioners.

On the other hand, Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary without FSL report. It is also stated that Section 489(C) is attracted herein this case.

I have considered the submissions made by the parties. I have also perused case diary.

Considering the fact as well as the length of detention of the petitioners, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Jalukbari P.S. Case No. 101/2024**, registered under **Section 20(a)/29 of NDPS Act, 1985 r/w Section 489(A)/489(B)/489(C)/34 IPC**, on furnishing bail bond of **Rs.50,000/-**

each with one suitable surety each of the like amount to the satisfaction of learned CJM, Kamrup(M), Assam.

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

- (a) shall not leave the territorial jurisdiction of learned, CJM, Kamrup(M), Assam 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.

Send back the case diary.

JUDGE

Comparing Assistant