

GAHC010084012024



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

Case No. : Bail Appln./1227/2024

JAHIRUL ISLAM
S/O LATE WAZUDDIN SHEIKH
R/O NAYAPARA
P.S. KRISHNAI
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.05.2024

Heard Mr. S.M. Mollah, learned counsel for the petitioner. 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 petitioner, namely, **Jahirul Islam**, in connection with **Krishnai P.S. Case**

No. 26/2024, registered under **Section 21(b)/29 of NDPS Act, 1985**.

It is submitted by the learned counsel for the petitioner that no any contraband was seized from the possession of the petitioner. As per seizure list, intermediate quantity of heroin was seized from the possession of one co-accused Rakibul Islam. From the ground of arrest, it is not clearly reflected in the forwarding report why the petitioner was arrested; only it is stated that during investigation, sufficient evidence has been found against the petitioner. It is also submitted that the petitioner has been detained in custody for last 45 days. Considering the background of the case as well as the length of detention, bail may be granted to the petitioner.

On the other hand, Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary and submits that the allegation against the present petitioner is that during investigation, the co-accused Rakibul Islam has implicated the present petitioner.

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 petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Krishnai P.S. Case No. 26/2024**, registered under **Section 21(b)/29 of NDPS Act, 1985**, on furnishing bail bond of **Rs.50,000/- with one suitable surety** of the like amount to the satisfaction of learned Special Judge, Goalpara, Assam.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge, Goalpara, 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