

GAHC010086002024



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

Case No. : Bail Appln./1250/2024

ALIJA BEGUM
W/O SUKUR ALI
R/O SONKUCHI
P.S. BARPETA,
DIST. BARPETA, ASSAM
PRESENTLY RESIDING AT NO. 3,
RAILWAY GATE, FANCY BAZAR,
P.S. PANBAZAR,
DIST. KAMRUP (M), 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

10.05.2024

Heard Mr. S. Munir, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely,

Musst Alija Begum, has prayed for grant of bail in connection with **Panbazar P.S. Case No.89/2024** under Sections **21(b) of NDPS Act**.

The matter relates to recovery and seizure of 1.82 gram (without vials) of suspected heroin from the possession of the accused petitioner which falls under small quantity.

It is submitted by the learned counsel for the petitioner that though the case was registered under Section 21(b) but as per Magistrate's report the quantity recovered from the possession of the accused petitioner falls under small quantity. It is further submitted that the petitioner is a lady and has been languishing in judicial custody for last 21 days since her arrest on 19.04.2024 along with her one year old child. In view of the above, prayer for bail may be considered.

Mr. R. J. Baruah, learned Additional Public Prosecutor has submitted that case diary has been received without the FSL report. He further submitted that small quantity of heroin recovered from the possession of the accused petitioner. However, he has made objection in granting bail to the petitioner.

In view of the submission of learned counsel for both the parties and considering the fact that the petitioner is a lady having one year old child in custody and small quantity of heroin recovered from the possession of her, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Special Judge, Kamrup(M), Guwahati**.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge, Kamrup(M), Guwahati without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(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 her from disclosing such facts to the Court or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant