

GAHC010103122024



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

Case No. : Bail Appln./1494/2024

MUZZAMIL HOQUE
S/O EMAN ALI
R/O VILL- BALUKI HALMARA
P.S. BARPETA
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. Y S MANNAN, MS N DEKARAJA, MR. T HUSSAIN

Advocate for the Respondent : PP, ASSAM,

Linked Case : Bail Appln./1489/2024

MD. JAMAL ALI
S/O LATE AHAMMAD ALI
R/O VILL- HAHCHARI
P.O. KALATOLI

P.S. CHHAYGAON
DIST. KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. Y S MANNAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.08.2024

Heard Mr. Y.S. Mannan, the learned counsel appearing for the petitioners. Also heard Mr. K.K. Parasar, the learned Addl. Public Prosecutor, Assam.

2. These two bail applications under Section 439 of the CrPC are prayed for grant of bail in respect of NDPS Case No.71/2023 pending before the Addl. Sessions Judge No.2, Kamrup (Metro) at Guwahati arising out of Basistha P.S. Case No.111/2023, under Sections 21(c)/25/29 of the NDPS Act.

3. On 26.02.2023 at about 8.10. P.M., three persons including the present two petitioners and another called Abdul Rashid were found loitering at Nalapara Road, in front of Mahindra Warehouse. From the possession of Abdul Rashid, a navy blue bag containing slightly more than 1 kilogram of suspected heroin was seized. After conclusion of investigation, *charge sheet* was filed against all

the three persons.

4. Now, all of them are facing trial. The present two petitioners have approached this Court seeking bail on the ground that they have no relationship with Abdul Rashid and they have been unnecessarily detained with him.

5. Mr. Mannan has submitted that as many as 8(eight) witnesses are examined by the trial court and Mr. Mannan has placed the evidences of eight witnesses.

6. I have gone through the evidences already recorded by the trial court.

7. Mr. Parasar submits that we should wait for the recording of evidence of the Investigating Officer.

8. I have considered the submissions made by the learned counsel of both sides.

9. This Court is of the opinion that waiting for the recording of evidence of the Investigating Officer, would not serve any fruitful purpose in the present bail applications.

10. Accordingly, the petitioners Md. Jamal Ali and Muzzamil Hoque are allowed to go on bail of ₹50,000/- each with sureties of like amount to the satisfaction of the learned Addl. Sessions Judge No.2, Kamrup (Metro) at Guwahati.

Both the bail applications are disposed of accordingly.

JUDGE

Comparing Assistant