

GAHC010103372024



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

Case No. : Bail Appln./1491/2024

JAMAL UDDIN
S/O- JAYNAL HUSSAIN, PERMANENT RESIDENT OF VILL.-
MADHUSOULMARI PT-II, P.O. MADHUSOULMARI, P.S. GAURIPUR, DIST.
DHUBRI, ASSAM, PIN- 783331.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 20-06-2024

1. Heard Mr. S. Das, learned counsel for the petitioner. Also heard
Ms. S. Jahan, Learned Additional Public Prosecutor.

2. This application under section 439 of Code of Criminal Procedure, 1973, has been filed by the petitioner, Jamal Uddin, who has been detained behind the bars since 21.04.2024, in connection with Gauripur P.S. Case No. 119/2024, under section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The gist of acquisition in this case is that on 22.04.2024, one Shri Jeetraj Shyam, SI of Police of Gauripur Police Station, had lodged an FIR before the Officer-in-Charge of Gauripur Police Station, *inter alia*, alleging that on 21.04.2024, the Officer-in-Charge of Gauripur Police Station received an information through reliable sources that one Jamal Uddin, (the present petitioner) has been running the business of illegal psychotropic substance from his home and after getting the said information, a search team was constituted and on the same day, at about 11.25 PM, the house of the petitioner was searched and during search operation, 7 numbers of plastic soap box containing suspected heroin weighing about 76.41 grams was recovered. The recovered contraband was seized and the above-named petitioner was arrested on the same day and the Gauripur Police Station Case No. 119/2024 was registered and investigation was initiated.

4. Learned counsel for the petitioner has submitted that the petitioner has been detained behind the bars since last 58 days and the quantity of contraband seized in this case is of intermediate quantity and therefore, considering the length of detention, the petitioner may be allowed to go on bail.

5. On the other hand, learned Additional Public Prosecutor submits that the charge sheet has yet to be submitted in this case.

6. I have considered the submissions made by learned counsel for both the sides and have perused the materials available on record.

7. In the instant case, the contraband seized is admittedly an intermediate quantity of heroin and the maximum statutory period of detention for which the above-named petitioner may be detained during investigation is 60 days only.

8. Considering the fact that the petitioner has already been detained behind the bars for last 58 days, his further custodial detention does not appear to be necessary for fair completion of the investigation of the Gauripur Police Station Case No. 119/2024 if he continues to cooperate in the investigation.

9. In view of above, the above-named petitioner is hereby allowed to go on bail of Rs.30, 000 with one suitable surety of like amount subject to the satisfaction of learned Special Judge, Dhubri with following conditions:-

(i) the petitioner shall co-operate with the Investigating Officer of Gauripur Police Station Case No. 119/2024 and shall appear before the Investigating Officer once in every week till the completion of the investigation of the said case; and

(ii) the petitioner 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 or her from disclosing such facts to the Investigating Officer or to any Court.

10. With above observation, this bail application is hereby disposed

of.

JUDGE

Comparing Assistant