

GAHC010107292024



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

Case No. : Bail Appln./1571/2024

KAMRUL JAMAL
S/O LATE SHER MOHAMMAD, R/O ZR BASTI, DHAKIPARA, P.S.-PARKATA,
DIST- KISHANGANJ, BIHAR

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. U K BARMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 27.06.2024

Heard Mr. U. K. Barman, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the accused/ petitioner, who has been arrested in connection with Paltanbazar P.S. Case No. 160/2024, under Section 21(b)/29 of the NDPS Act.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Barman, learned counsel for the petitioner, that the accused/petitioner is innocent and he is no way involved in the alleged offence. Further he submitted that the accused/petitioner is behind the bar since 10.05.2024 and hence, considering his length of detention, he may be enlarged on bail.

In this context, Mr. R. J. Baruah, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating material against the present accused/petitioner in the Case Diary. However, till date, the Charge-Sheet could not be filed by the I.O. as the FSL report is yet to be received by the I.O. and on enquiry, it is submitted that there is no probability of filing the Charge-Sheet

within the short period.

Considering the submissions made by the learned counsels for both sides, without going by the merit of the case and only considering the length of detention, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioner keeping him in custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with 2 (two) local sureties of like amount, one surety has to be a government servant, to the satisfaction of the learned Special Judge (NDPS), Kamrup(M), Guwahati, the accused/petitioner, namely, Kamrul Jamal, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that 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 from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Special Judge (NDPS), Kamrup(M), Guwahati, without prior

permission.

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

JUDGE

Comparing Assistant