

GAHC010111582024



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

Case No. : Bail Appln./1607/2024

SHAHIDUL ISLAM
S/O FAJAL UDDIN @ KHAJAL UDDIN
R/O VILL- DEWAGURI
P.O. AND P.S. LAHARGHAT
DIST. MORIGAON, ASSAM
PIN-782127

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N BORUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 24.06.2024

Heard Mr. N. Boruah, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been arrested in connection with Laharighat P.S. Case No. 88/2024, under Section 21(b) of the NDPS Act, 1985.

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

It is submitted by Mr. Ahmed, learned counsel for the petitioner, that the accused/petitioner is innocent and he has been falsely implicated in this case. Further, he has been in custody since 30.04.2024 and hence, considering his length of detention, he may be enlarged on bail.

In this context, Mr. Goswami, learned Additional Public Prosecutor, has submitted that though the Case Diary has been received, but the same is not accompanied with FSL report. Further he submitted that there is no note from the I.O. in the Case Diary to show that the Charge-Sheet will be filed within the stipulated period of 60 days.

After hearing the submissions made by the learned counsels for both sides, it is seen that there is no probability of filing the Charge-Sheet within the statutory period by the I.O. and hence, without going by the merit of the case and only considering the length of detention already undergone by the accused/petitioner, I find that further custodial interrogation of the accused/petitioner seems to be not necessary for the interest of investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 30,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned District & Session Judge cum Special Judge, Morigaon, the accused/ petitioner, namely, Shahidul Islam, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the I.O. and shall make himself available for interrogation by the I.O. as and when required in connection with the aforesaid P.S. Case;
- (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 District & Session Judge cum Special Judge, Morigaon, without prior permission.

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

JUDGE

Comparing Assistant