

GAHC010114622024



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

Case No. : Bail Appln./1654/2024

NABI HUSSAIN
S/O HAJRAT ALI,
RESIDENT OF VILLAGE KAWAIMARI, PO KAWAIMARI, PS RUPAHIGHAT
DIST NAGAON, ASSAM 782140

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR A DEKA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 26.06.2024

- 1.** Heard Mr. S. Dewri, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.
- 2.** Learned counsel for the petitioner has submitted that in this case, the quantity of ganja, in this case the petitioner is detained behind the bars since 29.04.2024 i.e., for the last 60 days, in connection with Bongaigaon GRPS Case No. 51/2024, under Section 20(b)(ii)(B) of NDPS Act, 1985 for possessing 3 kgs of ganja.
- 3.** On the other hand, learned Additional Public Prosecutor has produced the case diary of Bongaigaon GRPS Case No. 51/2024 and has submitted that the investigation has steadily progressed and same is pending only for receipt of FSL report.
- 4.** Considering the fact that the quantity of ganja involved in this case is of intermediate quantity and the maximum statutory period of detention for which the petitioner, namely Nabi Hussain may be detained in the Bongaigaon GRPS Case No. 51/2024 during investigation is only 60 days, which they have completed today.
- 5.** Hence, their further custodial detention is not warranted in this case.
- 6.** In view of above, the petitioner, namely Nabi Hussain is allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Special Judge, Bongaigaon with the following conditions:-

i. That the petitioner shall cooperate in the trial and shall appear before the Trial Court as and when so directed by the Trial Court without fail;

ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any of the listed witnesses or any other person/persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts during the trial.

7. With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant