

GAHC010131272024



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

Case No. : Bail Appln./1898/2024

MUSST. SIRATUN NESSA
D/O LATE SHAYAM MAHALDAR,
RESIDENT OF BORAPAHARTOL, PS BOKO, DIST KAMRUP ASSAM

2: MUSST. ISATUN NESSA
W/O ABU BAKKAR SIDDIQUE
RESIDENT OF BALAKTARI
NEAR MASJID PS KALGACHIA
DIST BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM,

Advocate for the Petitioner : MS. R. R. SAIKIA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 22.07.2024

Heard Mr. S. Ali, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/petitioners, who have been arrested in connection with Jalukbari P.S. Case No. 274/2024, under Sections 20(b)(ii) (B)/29 of the NDPS Act.

Case Diary not received.

However, it is submitted by Mr. S. Ali, learned counsel for the petitioners, that both the accused/petitioners are ladies and they have minor children and they are behind the bar for last 48 days and hence, considering their length of detention, they may be enlarged on bail as the I.O. got sufficient time to interrogate them keeping in custody. Further, he submitted that only 2.4 kgs of ganjas were alleged to have been recovered from the possession of the accused/petitioners, which is below the commercial quantity and just above the smaller quantity.

In this context, Mr. Sharma, learned Additional Public Prosecutor, has submitted that without perusing the Case Diary, he is not in a position to say as

to whether the seized articles are cannabis or ganja. However, he submitted that considering the length of detention, their bail prayer may be considered.

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/ petitioners keeping them in custody and accordingly, further custodial interrogation of the accused/petitioners seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 30,000/- (Rupees thirty thousand) only each with one surety of like amount to the satisfaction of the learned Special Judge, Kamrup(M), the accused/petitioners, namely, (i) Musst. Siratun Nessa (ii) Musst. Isatun Nessa, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 petitioners shall not leave the jurisdiction of the learned Special Judge, Kamrup(M), without prior permission.

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

JUDGE

Comparing Assistant