

GAHC010134882024



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

Case No. : Bail Appln./1964/2024

SABAR ALI AND ANR
S/O LATE GAJI FAKIR, RESIDENT OF VILLAGE- MAJGUMI, P.S.
CHHAYGAON, DIST- KAMRUP, ASSAM. (IN CUSTODY SINCE 28.05.2023)

2: SOLEMAN ALI @ SALOMON ALI
RESIDENT OF VILLAGE- MAJGUMI
P.S. CHHAYGAON
DIST- KAMRUP
ASSAM. (IN CUSTODY SINCE 28.05.2023)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 22.07.2024

Heard Mr. F.Haque, learned counsel for the petitioners as well as Mr. R.J.Baruah, learned Addl. P.P., Assam for the State respondent.

By filing this application filed under section 439 of the CrPC, the accused petitioners namely,

1.Sabar Ali and **2. Soleman Ali @ Salomon Ali** have prayed for bail in connection

Chhaygaon PS Case No. 184/2024 under Sections 21(b)/29 of the NDPS Act.

Case diary is received.

The learned counsel for the petitioners submits that the petitioners are father and son and they were arrested on recovery of 73.44 grams of suspected heroin. It is further submitted that both the accused petitioners have been languishing in judicial custody for last 56 days and as such, considering length of detention, the petitioners may be enlarged on bail.

The learned Addl.P.P. has produced the case diary without the FSL report and submits that investigation has substantially progressed except the FSL report.

Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it is seen that the petitioners have been in judicial custody for 56 days and investigation has substantially completed and therefore, this Court is inclined to grant the privilege of bail to the petitioners.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 50,000/-** each with 02(two) sureties each of like amount to the satisfaction of the learned **Special Judge (NDPS Act) Kamrup (R), Amingaon** subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned Special Judge (NDPS Act) Kamrup (R), Amingaon without prior written permission from him/her;
- (ii) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (iii) 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant