

GAHC010135442024



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

Case No. : Bail Appln./1971/2024

MEHEBUL ISLAM AND ANR
SON OF ASURUDDIN, RESIDENT OF VILLAGE- BARBHITHA, P.S.-
TARABARI, DIST- BARPETA, ASSAM.

2: GANI ALI
SON OF FAJAL ALI RESIDENT OF VILLAGE- BARBHITHA
P.S.- TARABARI
DIST- BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR. M M ZAMAN, MR N AHMED, MR A
BASUMATARY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.08.2024

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

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1.Mehebul Islam** and **2. Gani Ali** have prayed for grant of bail in connection with **Barpeta P.S. Case No.245/2024** under Sections 21(b)/27/29 of the NDPS Act.

The learned counsel for the petitioners submits that 9.77 grams of suspected heroin was recovered from the possession of the petitioners. The recovered items are of intermediate quantity under the NDPS Act. The petitioners have been in judicial custody for 58 days since they were arrested on 23.06.2024. As such, considering length of detention, bail may be considered.

The learned Addl.P.P. has produced the case diary without the FSL report and submits that intermediate quantity of suspected heroin was recovered from the petitioners. However, length of detention may be considered.

Having heard the learned counsel for the parties and on perusal of the case diary, it appears that the petitioners are in judicial custody for last 58 days and as such, considering length of detention, this Court is of the considered opinion that further detention of the petitioners in the interest of investigation is not warranted.

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

- (i) The petitioners shall not leave the territorial jurisdiction of learned **Special Judge (NDPS Act) Barpeta** 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