

GAHC010135772024



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

Case No. : Bail Appln./2020/2024

SARBANU BEGUM @ MARJINA
D/O SHORBES ALI,
R/O MOHATOLI, SONTOLI, P.S.- BOKO, DIST.- KAMRUP, ASSAM.
TEMPORARY ADDRESS- 3 NO. RAILWAY GATE, FANCYBAZAR.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P.

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

06.08.2024

Heard Mr. N. J. Dutta, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Sarbanu Begum @ Marjina**, has prayed for grant of bail in connection with

Panbazar P.S. Case No.145/2024 under Sections **21(b) of NDPS Act.**

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in judicial custody for last 47 days since her arrest on 21.06.2024. It is further submitted that the contraband recovered from the possession of the accused petitioner falls under intermediate quantity. The petitioner is having three years old child who is still in jail along with the petitioner. So, considering the length of detention, prayer for bail may be considered.

Mr. R. J. Baruah, learned Additional Public Prosecutor has submitted that case diary has been received without the FSL report. He further submitted that substantial part of investigation has already been completed. However, he has made objection in granting bail to the petitioner.

In view of the submission of learned counsel for both the parties and considering the length of detention, particularly child with the accused petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **Special Judge (NDPS), Kamrup(M), Guwahati**.

The direction for bail is further subject to the conditions that the petitioner:

- (a) shall not leave the territorial jurisdiction of learned Special Judge (NDPS), Kamrup(M), Guwahati without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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.

In terms of the above, this bail application stands disposed of.
Return the case diary.

JUDGE

Comparing Assistant