

GAHC010155132024



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

Bail Appln./2046/2024

HAMIDA BIBI
W/O- LATE MAHIBUR RAHMAN

R/O- DOLAITOLA

P.S- HAJO
DIST-KAMRUP RURAL
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for : NIMISH MAHAJAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 08.08.2024

Heard Mr. B.K.Mahajan, learned counsel for the petitioner and Mr. D.P.Goswami, learned Addl.P.P. for the State respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 the accused-petitioner, namely, **Hamida Bibi** has prayed for grant of bail in connection with **Garchuk P.S. Case No.199/2024** under Sections 303(2)/317(2) of Bharatiya Nyaya Sanhita (BNS) r/w Sections 21(b)/27/29/20(b)(ii)(B)/22(a) of NDPS Act.

The learned counsel for the petitioner submits that suspected heroin was recovered from the pocket of the T.Shirt of the prime accused, namely, Zulfikar Ali Bhutto who is a drug addict. The other contraband item i.e. 1.733 kg of suspected cannabis was recovered from the house of the petitioner which falls in the intermediate quantity under the NDPS Act. The petitioner is an old lady, aged about 70 years having some age old disease. The petitioner has been languishing in judicial custody for last 37 days and considering the length of detention and her old age, petitioner may be enlarged on bail.

The learned Addl.P.P. has produced the case diary without the FSL report and submits that substantial part of investigation is complete except collection of FSL report. However, the old age and length of detention of the petitioner may be considered.

Having heard learned counsel for the parties and on perusal of case diary and the averments made in this petition, it appears that the petitioner is 70 years old lady and languishing in judicial custody for last 37 days. As it appears that substantial part of investigation has been completed, further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Kamrup (M)**,

Guwahati subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge (NDPS Act), Kamrup (M), Guwahati** without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner 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