

GAHC010141592024



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

Case No. : Bail Appln./2112/2024

MINHAJ ALI AND ANR
S/O MD. SAYED ALI, R/O VILL- GHILAJHARI, P.S.-HOWLY, DIST- BARPETA,
ASSAM

2: RAJIB ALI @ RAJIBUL
S/O SOLEMAN ALI
R/O VILL- KATLIJHAR
P.S.-HOWLY
DIST- BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.07.2024

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

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioners, namely, **1. Minhaj Ali** and **2. Rajib Ali aka Rajibul** have prayed for grant of bail in connection with **Howly P.S. Case No.68/2024** under Sections 21(b)/ 29 of NDPS Act.

The learned counsel for the petitioners submits that petitioners have been languishing in judicial custody for last 60 days. Charge sheet has not yet been filed and as such, the petitioners are entitled to default bail.

The learned Addl.P.P. has produced the case diary without the FSL report and submits that investigation has already been completed except collection of 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 appears that the petitioners are in judicial custody for last 60 days and considering length of detention, further custodial interrogation 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 suitable surety each of like amount to the satisfaction of the learned **Special Judge, Barpeta**, subject to the following conditions;-

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