

GAHC010145232024



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

Case No. : Bail Appln./2125/2024

ABU CHELIM AND ANR
S/O MIJ UDDIN, R/O NO. 2 SARKARI BOSTI, NOKHUTI, P.S.-LUMDING,
DIST-HOJAI

2: MANJUWARA KHATUN
C/O MD. MUGRAB ALI
R/O LAHARIJAN BAGAN
P.S.-KHATKHATI
DIST- KARBI ANGLONG
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. K MALAKAR, MS A MAJUMDER

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.08.2024

Heard Ms. K. Malakar, learned counsel for the petitioners. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioners namely, **Abu Chelim and Manjuwara Khatun**, have prayed for bail in connection with **Diphu P.S. Case No. 43/2024 under Section 21(b)/29 of NDPS Act.**

3. It has been submitted by the learned counsel for the petitioners that the petitioners were arrested on 21.06.2024 and since then they have been detained in custody. In the meantime, they have completed mandatory period of 60 days in custody and charge-sheet has not yet been submitted. It is also submitted that the quantity of suspected heroine which was recovered from the possession of the petitioners is intermediate quantity. Hence, the petitioners may be enlarged on bail.

4. Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary without FSL report and submits that the petitioners have been detained in custody for last 60 days and charge-sheet has not yet been submitted in this case. It is also submitted that 94.22 gm of suspected heroine was recovered from the possession of the petitioners which is intermediate quantity. There is no any prayer by the investigating officer requiring extension of time for further detention of the petitioners.

5. I have considered the submissions made by the parties. I have also perused the case diary.

6. Considering the background of the case as well as length of detention of the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners, named above, shall be released on bail in connection with **Diphu P.S. Case No. 43/2024 under Section 21(b)/29**

of NDPS Act, on furnishing bail bond of **Rs.1,00,000/- each** with **one suitable surety each** of the like amount, to the satisfaction of learned Special Judge, Karbi Anglong, Diphu, Assam.

8. The direction for bail is further subject to the conditions that the petitioners:

(a) shall not leave the territorial jurisdiction of learned Special Judge, Karbi Anglong, Diphu, Assam without prior written permission from him/her;

(b) 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;

(c) shall not hamper with the investigation, or tamper with the evidence of the case.

9. In the view of the above, the bail application stands disposed of.

10. Send back the case diary.

JUDGE

Comparing Assistant