

GAHC010147362024



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

Case No. : Bail Appln./2155/2024

ABDUL RAHMAN
S/O ABDUL KADER
R/O VILL- JAKHLIBIL PATHAR,
P.S. GOBARDHANA,
DIST. BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29.08. 2024

1. Heard Mr. M.Z. Zaman, learned counsel for the petitioner, Abdur Rahman, who has filed this bail application under Section 483 of BNSS, 2023, with prayer for bail as he is behind bars since 03.07.2024 in connection with Gobardhana P.S. Case No. 102/2024 under Section 21(b) of the NDPS Act, 1985.
2. The case diary is received and perused.

3. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

4. A search was conducted in the petitioner's house and although the petitioner tried to flee, he was apprehended and 64 small plastic vials containing suspected brown sugar was found kept in his house. Inside the small plastic bag contraband weighing 84.87 grams (with vial) and net weight 08.05 gram (without vial) were found and all the items were seized and packed and sealed in the place of occurrence in presence of the independent witnesses.

5. It is submitted by the learned Addl. Public Prosecutor that there are some materials against the petitioner in the case diary.

6. I have considered the submission at bar with circumspection. I have also considered the period of detention. The petitioner is behind bars for last 56 days. I have also scrutinized the case diary. I have considered the progress of investigation. It appears that further custodial detention may not be required.

7. The petitioner is a local resident and he is willing to cooperate with the remaining part of investigation. The petitioner has pledged to abide by any stringent bail conditions, if imposed upon him.

8. Considering the entire aspect of the matter, petition is allowed. The petitioner named above shall be enlarged on bail on furnishing a bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Special Judge, Baksa, Mushalpur in connection with the aforesaid case under the following conditions that:-

- (i) the petitioner shall refrain from such activities with which he is alleged,
- (ii) the petitioner shall cooperate with the remaining part of investigation and shall not jump the bail.

(iii) the petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission.

9. On breach of any of the bail conditions, the bail order shall stand automatically cancelled.
10. Bail application stands disposed.
11. Return the case diary.

JUDGE

Comparing Assistant