

GAHC010148292024



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

Case No. : Bail Appln./2186/2024

JIYARUL HOQUE
S/O MD. OSMAN GONI
R/O BEHULAPARA
P.S. ABHAYAPURI
DIST. BONGAIGAON,
STATE- ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MD IMRAN, MD R ISLAM, MR. S
RAHMAN, MS F HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

19.08.2024

Heard Mr S M Abdullah P, learned counsel for the petitioner, Jiyarul Hoque, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail, as he is behind bars since 30.06.2024, in connection with Jogighopa PS Case No. 106/2024, under Section 21(b) of the NDPS Act

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.
3. It is submitted that the petitioner is complicit and the contraband was recovered from the possession of the petitioner.
4. I have also scrutinized the Case Diary.
5. Indeed there are incriminating materials in the Case Diary against the petitioner.
6. The petitioner is booked under Section 21(b) of the NDPS Act.
7. It is submitted that although 14 small containers were found in his possession, only 31.43 grams was the total weight. One strip of Nitrazepam tablets IP 10 mg containing 10 tablets were also recovered along with 15 syringes.
8. The Case Diary reveals that investigation has progressed to a considerable extent.
9. It is submitted on behalf of the petitioner that the petitioner is willing to cooperate with the remaining part of investigation. The petitioner is willing to abide by any stringent bail conditions, if imposed upon him.
10. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with one surety of the like amount to the satisfaction of the learned Special Judge, NDPS, North Salmara, Abhayapuri under the 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
- ii) the petitioner shall not exercise threats to the witnesses or try to influence them, and
- iii) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

On breach of any of the bail conditions, this bail order shall automatically stand cancelled.

- 11. With the above directions, this bail application stands disposed of.
- 12. Send back the Case Diary.

JUDGE

Comparing Assistant