

GAHC010148992024



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

**Case No. : Bail Appln./2191/2024**

SHAHJAHAN ALI  
S/O LATE ABDUL RAHMAN  
R/O VILL- BORBORI, W/NO. 6  
P.O. AND P.S. LAHARIGHAT,  
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : MRS. R RONGMEI, MR H A RASHID, MR A A DEWAN, MS. K L R YANTHAN

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**23-10-2024**

Heard Mr. A A Dewan, learned counsel for the petitioner and Mr. P Borthakur, learned Additional Public Prosecutor, Assam for the State.

**2.** By this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely, **Shahjahan Ali**, son of late Abdul Rahman, resident of village-Borbori,

Ward No. 6, P.S.-Laharighat has prayed for his bail in connection with Laharighat Police Station Case No. 82/2024 registered under Section 22(C) of the NDPS Act, corresponding to G.R. No. 502/2024 arising out of G.D. Entry No. 395 dated 19.04.2024, in which he was arrested on 20.04.2024 and is in custody since then.

**3.** As per the FIR of the case, on receipt of specific information at around 5:30 PM on 19.04.2024 that large quantity of NDPS items were being carried by the petitioner, police authorities from Laharighat Police Station with due empowerment proceeded to the place of occurrence for recovery and to apprehend the accused person vide Laharighat P.S. G.D. Entry No. 395 dated 19.04.2024. On reaching Laharighat Bazar in the evening at 5:30 PM, police personnel detained the petitioner and during interrogation the petitioner led them to the backyard of his house and showed them the concealed NDPS substances that he kept in his grocery shop in a black colour plastic carry bag from which (i) 20 bottles of Triprolidine Hydrochloride & Codeine Phosphat Syrup mono caff plus cough syrup (100 ml) containing Codeine Phosphat (100 ml of 20 Nos.) plastic bottles and (ii) NRX Nitrazepam Tablets I.P. 10 mg Elza-10=11 Nos. of strips containing 10 tablets each were seized from the possession of the petitioner.

**4.** The petitioner was accordingly apprehended. Later, Sub-Inspector of Police, Laharighat Police Station lodged the FIR of the case on 19.04.2024 at around 9:35 PM.

**5.** The petitioner was arrested on 20.04.2024 in said Laharighat P.S. Case No. 82/2024 registered under Section 22(C) of the NDPS Act and was produced before the learned Chief Judicial Magistrate, Morigaon, Assam on 20.04.2024.

**6.** Mr. P Borthakur, learned APP, Assam has submitted that he has received the Case Diary.

**7.** On being enquired, Mr. P Borthakur, learned APP, Assam has submitted that he tried to contact the authorities in the Laharighat Police Station to enquire as to whether any Charge-Sheet has been filed in said Laharighat P.S. Case No. 82/2024 or not, but he could not contact them over phone.

**8.** Since 20.04.2024 till date, the petitioner has been in custody for 186 days.

**9.** As the concerned police authorities of Laharighat Police Station have not filed Charge-

Sheet in the case till date, the petitioner is entitled for his default bail in said Laharighat P.S. Case No. 82/2024.

**10.** Considering the above, the petitioner, namely, **Shahjahan Ali** is granted default bail in said Laharighat P.S. Case No. 82/2024 on furnishing a bail bond of Rs. 50,000/- with two local sureties each of the like amount, of which both shall be government (either state government or central government) employees to the satisfaction of the learned Chief Judicial Magistrate, Morigaon on conditions that he – (i) shall appear before the Investigating Officer of said Laharighat P.S. Case No. 82/2024 as and when required, (ii) shall surrender his passport, if any, before the learned CJM, Morigaon on or before 29.10.2024, (iii) shall not leave the territorial jurisdiction of the Laharighat Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case, (iv) shall not hamper with the investigation or tamper with the evidence of the case; (v) 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 them from disclosing such facts to the Court or to any police officer and (vi) he shall not involve himself in any criminal activities.

**11.** Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in the aforementioned P.S. Case shall stand automatically vacated.

**12.** Return the Case Diary.

**JUDGE**

**Comparing Assistant**