

GAHC010154232024



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

Case No. : Bail Appln./2270/2024

JAHURA KHATUN @ JOHURA PARBIN
W/O MANDAL ALI, R/O BARPETA, LALMON BOJAR, P.S.-BARPETA, DIST-
BARPETA, ASSAM, TEMP. ADD.- R/O 2 NO RAILWAY GATE, LAKHTOKIA,
GUWAHATI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR A RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20.08. 2024

Heard Mr. S. Munir, learned counsel for the petitioner, Jahura Khatun @
Johura Parbin.

The petitioner has filed this application under Section 483 of BNSS, 2023.
with prayer for bail as she is behind the bar since 24.07.2024 in connection with
Panbazar PS Case No. 181/2024 under Sections 21(b)/29 of the NDPS Act.

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

The case diary is received and perused.

The allegation against the petitioner is that the petitioner alongwith her friends were caught red handed while carrying heroin, by the investigating team. It is submitted on behalf of the petitioner that the forwarding report clearly reveals that the heroin powder weighing 85.46 grams was recovered from the possession of one Durga Das and the petitioner was not in a possession of the suspected heroin, except cash of Rs. 450/-.

I have also scrutinized the case diary and the forwarding report.

The learned Addl. P.P. has raised serious objection against the prayer of the bail on the ground that there are sufficient incriminating materials available in the case diary against the petitioner.

I have considered the submissions at the Bar.

The petitioner is aged about 26 years and annexure 6 series clearly reveals that the petitioner is 18 weeks pregnant. I have also considered the submission that the petitioner shall cooperate with the remaining part of the investigation. The petitioner has been behind bars since 24.07.2024 and investigation has presumably progressed to a considerable extent.

In view of the above, the petitioner namely Jahura Khatun @ Johura Parbin 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 (NDPS), Kamrup (M), Guwahati in connection with the aforesaid case under the following conditions that:-

1. the petitioner shall refrain from such activities with which she is alleged,
2. the petitioner shall cooperate with the reaming part of investigation and shall not default in appearance and appear regularly before the I.O.,
3. the petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission from the jurisdictional Court.

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

Bail application stands disposed.

Return the case diary.

JUDGE

Comparing Assistant