

GAHC010154892024



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

Case No. : Bail Appln./2271/2024

MD. SADDAM HUSSAIN
S/O MD. ABDUL HAMID, R/O 51, PANJABARI, GUWAHATI, P.O.-PANJABARI,
PIN-781037, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR ARINDAM BARUAH, MS LUBNA CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 12.08.2024

Heard Mr. A. Baruah, learned counsel for the petitioner. 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 petitioner namely, **Md. Saddam Hussain**, has prayed

for bail in connection with **Dispur P.S. Case No. 614/2024** under Section 21(b) of NDPS Act.

3. It is submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for last 57 days since his arrest on 18.06.2024. It is also submitted that the contraband which was recovered from the possession of the petitioner is intermediate quantity. Considering the background of the case as well as the length of detention, petitioner may be enlarged on bail.

4. Mr. Baruah, learned Additional Public Prosecutor for the State has produced the case diary and submits that intermediate quantity of contraband was recovered from the possession of the petitioner. However, FSL report has not been received. Therefore, he has prayed that at this stage, bail may not be considered to the petitioner.

5. I have considered the submissions of learned counsel for the parties. I have also perused the case diary.

6. It appears that intermediate quantity of contraband was recovered from the possession of the petitioner. Considering the length of detention as well as the nature of offence as alleged in the FIR, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner, named above, shall be released on bail in connection with **Dispur P.S. Case No. 614/2024** under Section 21(b) of NDPS Act, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned Additional Sessions Judge No. 2 cum Special Judge, Kamrup(M), Guwahati, Assam.

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

(a) shall not leave the territorial jurisdiction of learned Additional Sessions Judge No. 2 cum Special Judge, Kamrup(M), Guwahati, 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