

GAHC010159122024



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

Case No. : Bail Appln./2344/2024

MIR HUSSAIN AND ANR
S/O SUNU MIYA, R/O VILL- GORIASUTLA, P.S.-SARTHEBARI, DIST-
BARPETA, ASSAM

2: SAHAR ALI
S/O LATE ARAN ALI
R/O VILL- GORIASUTLA
P.S.-SARTHEBARI
DIST-BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR. M M ZAMAN, MR G P CHETIA, MR N AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

31.08.2024

1. Heard learned counsel Mr. N. Ahmed for the petitioners namely (i) Mir

Hussain, and (ii) Sahar Ali.

2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars since 13.07.2024 in connection with Boko Police Station Case No. 320/2024 under Section 21(b)/29 of the NDPS Act.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. Learned Additional Public Prosecutor has raised serious objection stating that FSL report has not been forwarded along with the Case Diary, and so bail cannot be considered. It is also submitted that there are incriminating materials in the Case Diary against the petitioners who are habitual drug peddlers.

5. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners.

6. I have considered the length of detention. Investigation has progressed to a considerable extent. It appears that further custodial detention may not be required for the progress of investigation. The petitioners have pledged to co-operate with the remaining part of investigation, and to abide by any stringent bail conditions, if imposed upon them.

7. Considering all aspects, petition is allowed. The petitioners shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) each with a suitable surety of like amount to the satisfaction of the Special Judge, Amingaon under the conditions that:

(i) The petitioners shall refrain from such activities with which they are alleged,

(ii) The petitioners shall appear before the Investigating Officer on every fortnight till completion of investigation, and

(iii) The petitioners shall not leave the jurisdiction of the Court without prior permission.

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

9. In terms of the above observation, Bail Application stands disposed of.

JUDGE

Comparing Assistant