

GAHC010170032024



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

Case No. : Bail Appln./2505/2024

MONOWARA BEGUM AND ANR
D/O LATE MONIR ALI
RESIDENT OF VILLAGE GHOGA, PS MUKALMUA, DIST NALBARI, ASSA
PRESENTLY RESIDING AT FANCY BAZAR, NEAR RAILWAY GATE NO. 4, PS
PANBAZAR, DIST KAMRUP M ASSAM

2: RAJU ALI

S/O MOINUL HOQUE
RESIDENT OF VILLAGE GHOGA PS MUKALMUA
DIST NALBARI
ASA

VERSUS

THE STATE OF ASSAM,
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. D ZAKARIA, MR. S RANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 06-09-2024

Heard Mr. S. Munir, learned counsel for the petitioners 1. Monowara Begum

and 2. Raju Ali, who have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars since 25.07.2024 in connection with Hajo Police Station Case No. 264/2024 under Sections 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

3. The FIR unfolds that during search and seizure of the vehicle bearing registration No. AS-01/FY-0687, of bolero make, the petitioners were found inside the vehicle and they were found in possession of heroin in soap cases weighing 25.3 grams. It is submitted on behalf of the petitioner No. 1 that her mother is ailing and she requires immediate treatment. Her mother is a psychiatric patient. Annexure-B of the additional affidavit filed by the petitioners, are the medical documents of the petitioner No. 1's mother.

4. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners. I have considered the progress of investigation and the length of detention. The petitioners are willing to cooperate with the remaining part of the investigation. Petitioner No. 1's mother is not well.

5. In view of my foregoing discussions, petition is allowed.

6. The petitioners are enlarged on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) each with a suitable surety of like amount to the satisfaction of the learned Special Judge, Kamrup, Amingaon under the conditions that:

- (i) The petitioners shall refrain from such activities with which they are alleged,
 - (ii) The petitioners shall cooperate with the remaining part of the investigation and,
 - (iii) The petitioners shall not leave the jurisdiction of the Court without prior permission.
7. On breach of any of the bail conditions, bail order shall automatically stand cancelled.
8. In terms of the above observation, this Bail Application stands disposed of.
9. Send back the Case Diary.

JUDGE

Comparing Assistant