

GAHC010171312024



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

Case No. : Bail Appln./2518/2024

SHAHADAT ALIAS MOHAMMAD SHAHADAT
S/O MD. ANISH KHAN
R/O LILONG
DIST. THOUBAL, STATE - MANIPUR,
PIN-795130

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. J ABBAS, I HOQUE, MR. D GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.08.2024

1. Heard learned counsel Mr. J. Abbas for the petitioner Md Shahadat @ Mohammad Shahadat.
2. The petitioner has filed this application under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 27.06.2024 in connection with STF Police Station Case No. 11/2024 under Sections 21(B)/25/27/29 of the NDPS Act.

3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he is involved in transportation of heroin. The co-accused have been found in possession of 27 grams of heroin. It is submitted on behalf of the petitioner that the heroin was not recovered from his possession. The heroin was recovered from the other accused named in the FIR. It is submitted that the petitioner is languishing in the jail for 55 days, but Charge-sheet has not been laid against the petitioner.

5. Learned Additional Public Prosecutor has raised objection that the Case Diary will reveal the petitioner's conduct.

6. I have considered the length of detention of the petitioner.

7. I have considered the submission on behalf of the petitioner that the petitioner is willing to cooperate with the remaining part of investigation.

8. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a local surety of like amount to the satisfaction of the Special Judge, Kamrup, (M) under the condition that:

(i) The petitioner shall refrain from such activities with which he is alleged.

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

JUDGE

Comparing Assistant