

GAHC010171532024



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

Case No. : Bail Appln./2522/2024

JAHIDUL ISLAM AND ANR
S/O LATE KURBAN ALI,
RESIDENT OF VILLAGE BALARCHAR PART II, PS MERERCHAR ,DIST
BONGAIGAON, ASSAM

2: MAFIDUL ISLAM @ MOFIDUL ISLAM
S/O JALIL UDDIN
RESIDENT OF VILLAGE SUTIRPAR
PS BAGHBOR DIST BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 23-09-2024

Heard learned counsel Mr. S. Munir for the petitioner Nos. 1 Jahidul Islam
and 2. Mafidul Islam @ Mofidul Islam.

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 05.08.2024 in connection with Mererchar Police Station Case No. 37/2024 under Sections 21(b)/29 of the Narcotic Drugs Psychotropic Substances Act, 1985.

3. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.

4. I have considered the submissions at the bar with circumspection.

5. The allegation against the petitioners is that the petitioners have been caught red handed while they were in possession of intermediate quantity of Heroin measuring up-to 12 grams.

6. I have scrutinized the Case Diary. Investigation has progressed to a considerable extent and it appears that further custodial detention may not be required for the progress of investigation. I have considered the submission that the petitioners are willing to abide by any stringent bail conditions if imposed upon them.

7. Considering all aspects, petition is allowed. The petitioners are 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 learned Special Judge, North Salmara, Abhayapuri 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, this bail order shall automatically stand cancelled.

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

10. Send back the Case Diary.

JUDGE

Comparing Assistant