

GAHC010183452024



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

Case No. : Bail Appln./2701/2024

FARIDA KHATUN
D/O MAMTAJ ALI, R/O DUMUKHIYA, P.S.-BOKAJAN, DIST-KARBI
ANGLONG, PIN-782460. P/R/A H/NO. 37, BORHAWAR, P.S.-DOBOKA, DIST-
HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N DUBEY, MS M AHMED, MS. M DAIMARY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.09.2024

Heard Mr. N.Dubey, learned counsel for the petitioner as well as Mr. P.Borthakur, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section 483 of Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioner, namely, **Farida Khatun** has prayed for grant of

bail in connection with **Khatkhati P.S. Case No.92/2024** under Section 21 (b) of NDPS Act.

Case diary is received.

The matter relates to recovery of 206.88 grams of suspected heroin from the possession of the accused petitioner.

The learned counsel for the petitioner submits that the petitioner has been in judicial custody for last 63 days since her arrest on 19.07.2024 and the mandatory period for such offence is 60 days. Charge sheet has not been submitted and as such, the petitioner is entitled for default bail.

The learned Addl.P.P. has produced the case diary without the FSL report and submits that charge sheet has not been submitted in the case.

Having heard the learned counsel for the parties and on perusal of case diary and the averments made in this petition, it appears that the petitioner is in judicial custody for last 63 days and charge-sheet has not been submitted in the case and as such, considering length of detention, this Court is of the considered opinion that further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 1,00,000/-** (One Lakh) with two sureties of like amount to the satisfaction of the learned **Special Judge, Karbi Anglong, Diphu**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Special Judge, Karbi Anglong, Diphu** without prior written permission from him/her;

- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant