

GAHC010184342024



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

Case No. : Bail Appln./2712/2024

MD. KAMRUL ISLAM
S/O LATE SAMSUL ISLAM, R/O VILL- MOHAKOL BLOCK, P.S.-BADARPUR,
DIST- KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K MUNIR, MR. A. GAYAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.10.2024

Heard Mr. P.K. Munir, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

2. By this application filed under section 483 of the Bharatiya

Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Md. Kamrul Islam**, has prayed for bail in connection with **Khatkhati P.S. Case No. 109/2024 registered under Section 21(b)/29 of NDPS Act, 1985.**

3. It has been submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for last 55 days since his arrest on 09.08.2024. It is also submitted that 25.73 grams (with plastic container) of suspected heroin was recovered from the possession of the petitioner which appears to be intermediate quantity. Considering the length of detention as well as the background of the case, the petitioner may be enlarged on bail.

4. Mr. Goswami, learned Additional Public Prosecutor for the State has produced the case diary without FSL report and submits that intermediate quantity of suspected heroine was recovered from the possession of the petitioner. However, length of detention may be considered.

5. I have considered the submissions made by the parties. I have also perused case diary.

6. The case diary reveals that case is pending for collection of FSL report. Considering the length of detention, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner, named above, shall be released on bail in connection with **Khatkhati P.S. Case No. 109/2024 registered under Section 21(b)/29 of NDPS Act, 1985**, on furnishing bail bond

of **Rs.50,000/-** with **two suitable sureties** of the like amount to the satisfaction of learned Special Judge, Kabri Anglong, Assam.

8. The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Special Judge, Kabri Anglong, Assam without prior written permission from him/her;

(b) 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 Court;

(c) shall not commit such offence as alleged in the FIR in future.

9. Breach of any of the above conditions, shall tantamount to cancellation of bail.

10. In the view of the above, the bail application stands disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant