

GAHC010184552024



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

Case No. : Bail Appln./2705/2024

HABIJUR MIYA @ HABIJUL MIYA
S/O HASEN MIYA, R/O HARIPUR, P.S.- TARABARI, DISTRICT- BARPETA,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 30.09. 2024

Heard Mr. S. Munir, learned counsel for the petitioner and Mr. D.P. Goswami, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely **Habijur Miya @ Habijul Miya**, praying for regular bail, who was arrested on 10.08.2024 in connection with **Tarabari Case No.**

46/2024 under Section 21(b) of NDPS Act.

The case diary is received without FSL report and case diary is perused.

The learned counsel for the petitioner has submitted that the petitioner has been detained in custody for last 52 days since his arrest on 10.08.2024 and the contraband which was found from his possession was around 13.30 grams which is below commercial quantity. He further submits that considering the length of detention, the bail may be granted to the petitioner.

On the other hand, the learned Addl. PP has submitted that though suspected contraband was recovered from the accused/petitioner however, length of detention may be considered.

Having heard the submissions of the learned counsel for both the parties and considering the period of detention, this Court is inclined to grant bail to the petitioner. Hence, it is directed that the petitioner named above, be released on bail on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand only) with 2 (two) local sureties of like amount to the satisfaction of the learned Special Judge, Barpeta in connection with the aforementioned case.

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

- (a) the petitioner shall not leave the territorial jurisdiction of the learned Special Judge, Barpeta, without prior written permission from him/ her;
- (b) the petitioner shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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 or her from disclosing such facts to the court or any other police officer.

Violation of any condition shall tantamount to cancellation of bail.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant