

GAHC010185552024



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

Case No. : Bail Appln./2719/2024

SRI SAIFUL ISLAM
S/O LATE ABUL AZIZ
R/O BORBARIJHAR
P.S. HAWLI
DIST. BARPETA, ASSAM
PIN-781313

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. T DEURI, MR D S DEKA, MS A DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.09.2024

Heard Ms. A.Das, learned counsel for the petitioner as well as Mr. B.Sarma, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya

Sanhita, 2023 the accused-petitioner, namely, **Saiful Islam** has prayed for grant of bail in connection with **Hatigaon P.S. Case No.173/2024** under Sections 21(b)/29 of NDPS Act.

The matter relates to recovery of suspected heroin from the possession of the petitioner and another co-accused person.

The learned counsel for the petitioner submits that the petitioner has been languishing in judicial custody for last 56 days since his arrest on 02.08.2024. It is submitted that the quantity of suspected heroin recovered from the petitioner and another co-accused is 51 grams as per the Forwarding report and the mandatory period of punishment for such offence is 60 days. It is further submitted that bail was granted to the co-accused and as such, considering length of detention, the petitioner may be enlarged on bail.

The learned Addl.P.P. has raised objection in granting bail to the petitioner and submits that the case diary is not available.

Having heard the learned counsel for the parties and on perusal of the averments and Forwarding report, it appears that the petitioner is in judicial custody for last 56 days and considering length of detention, 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. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Additional Sessions Judge No.5, Kamrup (M), Guwahati** subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Additional Sessions Judge No.5, Kamrup (M), Guwahati** 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.

JUDGE

Comparing Assistant