

GAHC010186412024



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

Case No. : Bail Appln./2764/2024

MD NIJAM UDDIN @ NIJAMUDDIN
S/O LATE SAYED ALI, R/O VILL- 1 NO. AHMEDPUR, P.S.-BIHPURIA, DIST-
LAKHIMPUR (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH, MR. M ALAM
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

04.10.2024

Heard Mr. K. Boruah, learned counsel appearing for the accused petitioner as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Md. Nijam Uddin @ Nijamuddin**, has prayed for grant of

bail in connection with **Laluk P.S. Case No.136/2024** under Sections **21(b) of NDPS Act.**

It is submitted by the learned counsel for the petitioner that the petitioner was arrested along with suspected heroin weighing 22.47 grams with plastic. It is further submitted that the petitioner has been languishing in judicial custody for last 41 days since his arrest on 24.08.2024 and the contraband items recovered from his possession are intermediate quantity. Considering the length of detention, prayer for bail may be considered.

Mr. Goswami, learned Additional Public Prosecutor has produced the case diary without FSL report. He further submitted that the contraband recovered from his possession falls under intermediate quantity. The case is pending for FSL report. However, he submitted that length of detention may be considered.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount, to the satisfaction of learned **Special Judge, Lakhimpur, North Lakhimpur.**

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

- (a) shall not leave the territorial jurisdiction of learned Special Judge, Lakhimpur, North Lakhimpur without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant