

GAHC010188912024



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

Case No. : Bail Appln./2778/2024

MD AFTAB HUSSAIN AND 2 ORS
S/O MD. AKKASH ALI, R/O BHOJKHOWA CHAPORI, BILPAR, P.S.-TEZPUR,
DIST-SONITPUR, ASSAM

2: MD. AKKASH ALI
S/O MD. ANSAR ALI
R/O BHOJKHOWA CHAPORI
BILPAR
P.S.-TEZPUR
DIST- SONITPUR
ASSAM

3: MD. HANIF ALI
S/O LATE ABDUL KALAM
R/O BATAMARI
P.S.-TEZPUR
DIST- SONITPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY, MR M HOQUE

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 23-09-2024

Heard Mr. B. Chowdhury, learned counsel for the petitioner Nos. 1 Md. Aftab Hussain, 2. Md. Akkash Ali and 3. Md. Hanif Ali.

2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars since 15.08.2024 in connection with Tezpur Police Station Case No. 489/2024 (corresponding to G.R. No. 1253/2024) under Sections 318 (4) of the Bharatiya Nyaya Sanhita, 2023 read with Section 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State. Learned Additional Public Prosecutor has raised serious objection against the bail petition stating that there are incriminating materials in the Case Diary against the petitioners and there are direct allegation against the petitioner No. 3 Md. Hanif Ali, who is also involved in dealing with fake gold as well as transporting drugs.

4. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioners. It appears that the petitioner No. 3 Hanif Ali is the prime accused who deals with drugs as well as with fake gold. However, I have considered the progress of investigation. The contraband recovered from the possession of the petitioners weighs up-to intermediate quantity. The fake gold recovered weighed around 205 grams. The petitioners have pledged to abide by any stringent conditions if imposed upon them.

5. Considering all aspects, petition is allowed. The petitioners are enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Tezpur, Sonitpur under the conditions that :-

(i) the petitioners shall refrain from such activities with which they are alleged,

(ii) the petitioners shall appear before the Investigating Officer on every fortnight and cooperate with the investigation till completion of investigation and,

(iii) the petitioners shall not leave the jurisdiction of the Court without prior permission.

6. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

7. In terms of the above observation, this Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant