

GAHC010189562024



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

Case No. : Bail Appln./2782/2024

MD JUNMONI BHUYAN
S/O LATE ABDUL SATTAR BHUYAN
R/O SANKAR HOTEL, JYOTIKUCHI P.S. FATASIL AMBARI
DIST. KAMRUP (M), ASSAM
PERMANENT ADDRESS-
VILL- KACHALUKHOBHA
P.S. NAGAON SADAR
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. S RANA, MR K HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 24.09.2024

Heard Mr. S. Munir, learned counsel for the petitioner. Also heard Mr. B. Sarma, 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. Junmoni Bhuyan @ Jun Moni Bhuyan**, has prayed for bail in connection with **Fatasil Ambari P.S. Case No. 217/2024 under Section 21(b) of NDPS Act.**

3. It has been submitted by the learned counsel for the petitioner that the case was registered under Section 21(b) of NDPS Act but as per inventory report prepared by the learned Magistrate, the quantity recovered from the possession of the petitioner is 3.1 gm of heroine which shows small quantity. It is also submitted that the petitioner has been detained in custody for last 45 days since his arrest on 10.08.2024. Considering the length of detention as well as nature of offence, the petitioner may be enlarged on bail.

4. Mr. Sarma, learned Additional Public Prosecutor for the State submits that the case diary has not been received as such, he has raised objection in granting bail to the petitioner at this stage.

5. I have considered the submissions made by the parties.

6. Record shows that small quantity of heroine was recovered from the possession of the petitioner. Considering the background of the case as well as length of detention of the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner, named above, shall be released on bail in connection with **Fatasil Ambari P.S. Case No. 217/2024 under Section 21(b) of NDPS Act**, on furnishing bail bond of **Rs.50,000/-** with

two suitable sureties of the like amount, to the satisfaction of learned Special Judge, Kamrup(M), Guwahati, 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, Kamrup(M), Guwahati, 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 or to any police officer;

(c) shall not hamper with the investigation, or tamper with the evidence of the case.

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

JUDGE

Comparing Assistant