

GAHC010191812024



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

Case No. : Bail Appln./2845/2024

MOTIBUR RAHMAN AND ANR
S/O MD. ROIS UDDIN
R/O DAKHIN FATEHPUR
P.S. BIHPURIA
DIST.LAKHIMPUR, ASSAM

2: NASIR UDDIN
S/O SAFIQUUL ISLAM
R/O FATEHPUR TINIALI
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. H S BORAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 03.10.2024

Heard Mr. H.S.Borah, learned counsel for the petitioners as well as Mr.

K.K.Parashar, 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-petitioners, namely, **1. Md. Motibur Rahman** and **2. Md. Nasir Uddin** have prayed for grant of bail in connection with **Laluk P.S. Case No. 128/2024** under Sections 21(b)/ 29 of NDPS Act.

Case diary is received without the FSL report.

The allegation in the FIR relates to recovery of suspected drugs from the possession of the petitioners.

The learned counsel for the petitioners submits that intermediate quantity of drugs was recovered from the possession of the petitioners. The petitioners have been languishing in judicial custody for last 52 days and as such, considering the length of detention, petitioners may be enlarged on bail.

The learned Addl.P.P. has produced the case diary without the FSL report.

Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it appears that the petitioners are in judicial custody for last 52 days and considering length of detention, further custodial interrogation of the petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 50,000/-** each with two sureties each of like amount to the satisfaction of the learned **Special Judge, Lakhimpur**, subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned **Special Judge, Lakhimpur** without prior written

permission from him/her;

- (ii) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioners 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.

Return the case diary.

JUDGE

Comparing Assistant