

GAHC010193962024



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

Case No. : Bail Appln./2838/2024

MD JABBAR KHAN
S/O LATE MUSLIM KHAN,
RESIDENT OF GOMAFULBARI, PS TARABARI, DIST BARPETA, ASSAM

2: MD MOKIBUL ISLAM
S/O LATE INNAS KHAN
RESIDENT OF FULBARI
PS TARABARI
DIST BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY, MR. S R ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.09.2024

1. Heard Mr. B. Chowdhury, learned counsel for the petitioners, namely, (i) Md.

Jabbar Khan, and (ii) Md. Mokibul Islam.

2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 37 of the NDPS Act with prayer for bail as they are behind bars since 28.07.2024 in connection with Tarabari P.S. Case No. 43/2024 registered under Section 21(b)/29 of the NDPS Act.

3. Heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioners is that they were caught red handed while they were in possession of Heroin weighing 20.66 grams.

5. Learned Additional Public Prosecutor has raised objection stating that Case Diary is required to be perused to grant bail to the petitioner, considering the facts and circumstances of this case. Another two plastic packets were found in possession of the petitioner inside the tool box of the vehicle bearing registration No. AS15-AA-9024.

6. I have considered the submissions at the Bar with circumspection.

7. It appears that investigation may have presumably progressed to a certain extent as the petitioners have been behind bars since 28.07.2024. It appears that further custodial detention may not be required for the progress of

investigation. The petitioners are willing to co-operate with the remaining part of investigation and to abide by any stringent bail conditions if, imposed upon them.

8. Considering all aspects, petition is allowed. The petitioners shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) each with a suitable surety of like amount to the satisfaction of the Jurisdictional Court 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 till completion of investigation, and
- (iii) The petitioners shall not leave the jurisdiction of the Court without prior permission.

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

10. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant