

GAHC010197192024



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

Case No. : Bail Appln./2887/2024

JILIMA BEGUM AND ANR
W/O BABUL ALI
VILL- UKHURA PANIKHAITI RESERVE,
P.S. HAJO
DIST.KAMRUP, ASSAM

2: SAJINA BEGUM
W/O JAKR ALI
VILL- UKHURA PANIKHAITI RESERVE

P.S. HAJO
DIST.KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. D K KOTHARI, MR. N KOTHARI, MR Y KOTHARI, MR P
PRAWAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 24.10.2024

Heard Mr. Y Kothari, learned counsel for the petitioners as well as Mr. B.Sarma,
learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section of the 483 Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioners, namely, **1. Jilima Begum** and **2. Sajina Begum** have prayed for grant of bail in connection with **Hajo P.S. Case No.181/2024** under Sections 20(b)(ii) (c)/29/31 of the NDPS Act.

Case diary is received without the FSL report.

The allegation in the FIR reveals recovery and seizure of 20.150 Kgs of suspected ganja from the possession of two persons namely, Babul Ali and Jakir Ali.

The learned counsel for the petitioners submits that contraband items were found in the premises of the petitioners who are the wives of Babul Ali and Jakir Ali. Subsequently, the husbands of both the petitioners were arrested in connection with this case. It is further submitted that the petitioner No.1 is suffering from lung infection and petitioner No.2 has one infant child. The learned counsel for the petitioners has relied a Judgment of the High Court of Himachal Pradesh in the case of ***Suman –vs- State of Himachal Pradesh*** reported in 2021 (0) Supreme (HP) 209. The petitioners have been languishing in judicial custody for last 149 days since their arrest on 29.05.2024 and as such, considering the length of detention, petitioners may be enlarged on bail.

The learned Addl.P.P. has produced the case diary and submits that the petitioners being the wives of Babul Ali and Jakir Ali, as it reflected from the case dairy, the contraband items were recovered from the kitchen of the petitioner No.1 and bathroom of the petitioner No.2. It is further submitted that the husband of petitioner No.2 Jakir Ali is also involved in connection with Hajo PS Case No.239/2023 and charge sheet has been submitted in the said case and as such, learned Addl.P.P. has opposed in granting bail to the petitioners.

I have perused the case diary.

On perusal of the case diary, it reveals that both the petitioners are the wives of Babul Ali and Jakir Ali and they are helping their husband in trafficking of the illicit contraband items and running illegal business for their personal gain. Therefore, this court finds that it is not a fit case to grant bail to the petitioners.

Accordingly, the bail application is rejected.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant