

GAHC010199602024



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

Case No. : Bail Appln./2897/2024

MOFIZ UDDIN @ MOFIJ UDDIN
S/O CHAN MAMUD,
RESIDENT OF JAMERKUR, PS KALGACHIA, DIST BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. A.H. MONDAL, MR. A AWAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 27.09.2024

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, **Mofiz Uddin @ Mofij Uddin**, has prayed for bail in connection with **Kalgachia P.S. Case No. 95/2024 under Section 20(b)(ii)A/21(b) of NDPS Act.**

3. It has been submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for last 55 days since his arrest on 04.08.2024. It is also submitted that about 549 gm of suspected ganja and 9.66 gm of suspected heroin were recovered from the possession of the petitioner. It is further submitted that quantity of suspected contraband recovered appears to be small quantity. Charge-sheet has not yet been submitted. Considering the length of detention, the petitioner may be enlarged on bail.

4. Mr. Sarma, learned Additional Public Prosecutor for the State has produced the case diary without FSL report and submits that the petitioner has been detained in custody for last 55 days and charge-sheet has not yet been submitted in this case. It is also submitted that 9.66 gm of suspected contraband was recovered from the possession of the petitioner which is intermediate quantity.

5. I have considered the submissions made by the parties. I have also perused the case diary.

6. 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 **Kalgachia P.S. Case No. 95/2024 under Section 20(b)(ii)A/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, Barpeta, 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, Barpeta, 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.

10. Send back the case diary.

JUDGE

Comparing Assistant