

GAHC010208582024



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

Case No. : Bail Appln./3060/2024

NABAB IMDADUL CHOUDHURY
S/O LT. LUTFAR RAHMAN CHOUDHURY, VILL- MUKALMUA, P.O.-
MUKALMUA, P.S.-MUKALMUA, DIST- NALBARI, ASSAM, PIN-781126

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

21-10-2024

Heard Mr. S. Islam, learned counsel for the petitioner and Mr. P. Borthakur, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 of the BNSS, 2023, the petitioner, namely, **Nabab Imdadul Choudhury**, is seeking bail in connection with **Mukalmua P.S. Case No. 250/2024** corresponding to G.R. No. 795/2024 registered under Section 22(b) of the NDPS Act, 1985, wherein, he was arrested on 23.08.2024 and is in custody since then.

3) As per the FIR of the case lodged on 22.08.2024 before the Officer-in-Charge of Mukalmua Police Station by a Sub Inspector of Police of said Police Station stating that on the basis of reliable information at the Mukalmua Police Station from public at Mukalmua Chowk over phone on 22.08.2024 around 03:20 pm that one person with suspected Tablets (suspected drugs) has been apprehended by the public at Mukalmua Chowk, a General Diary Entry was made vide Mukalmua P.S. G.D.Entry No. 11 dated 22.08.2024 and thereafter, on being authorized, police personnel proceeded to the scene from where police apprehended the petitioner and after following the due search and seizure as per the provisions of the NDPS Act, recovered 48 numbers of Tramadol Hydrochloride Dicyclomine, Hydrochloride and Acetaminophen Capsules in 2 (two) strips.

4) After making proper inventory, samples of such seized Capsules suspected to be drugs have been forwarded to the FSL for its opinion. Though FSL report was sought for by the Court by order dated 03.10.2024, but the same could not be placed before the Court by the learned Addl. P.P. Assam, as it was not made available by the FSL authorities.

- 5)** From the case diary placed before the Court today by the learned Addl. PP, Assam, it is seen that except stating the total 48 numbers of Tramadol Hydrochloride Dicyclomine, Hydrochloride and Acetaminophen Capsules in 2 (two) strips, there is no mention regarding the weight of those capsules seized from the petitioner.
- 6)** On being enquired, learned Addl. PP, Assam submitted that as on date, no such charge-sheet has been submitted by the police after investigating said Mukalmua P.S. Case No. 250/2024.
- 7)** Perused the statements of the witnesses so far recorded by police relating to said Mukalmua P.S. Case No. 250/2024.
- 8)** Considering the period of detention of the petitioner, in custody since 23.08.2024 in said Mukalmua P.S. Case No. 250/2024 and for the reasons above, this Court is of the opinion that further custodial detention of the petitioner is not warranted to investigate said Mukalmua P.S. Case No. 250/2024.
- 9)** Accordingly, the petitioner, namely, **Nabab Imdadul Choudhury** shall be released on bail in said **Mukalmua Police Station Case No. 250/2024** on furnishing a bail bond of Rs. 50,000/- with two local sureties of the like amount, one of which shall be a Government Employee (either State or Central Government) to the satisfaction of the learned Chief Judicial Magistrate, Nalbari on conditions that the petitioner **(i)** shall appear before the Investigating Officer of said Mukalmua P.S. Case No. 250/2024 on every Monday during the office hours commencing from 28-10-2024 for the next two English Calendar months; **(ii)** shall not leave the territorial jurisdiction of the Mukalmua Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case and **(iv)** 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 them from disclosing such facts to the Court or to any police officer.

10) Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in the aforementioned **Mukalmua P.S. Case No. 250/2024** shall stand automatically vacated.

11) Bail application is accordingly stands allowed.

12) Return the case diary.

JUDGE

Comparing Assistant