

GAHC010210102024



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

Case No. : Bail Appln./3096/2024

JIYARUL HAQUE AND ANR
S/O AHMED ALI, R/O VILL- SINGIMARI (BADIASISA), P.S.-SIPAJAHR, DIST-
DARRANG, ASSAM

2: GISAUDDIN ALI
S/O ACHIK ZAMAL
R/O VILL- SINGIMARI
P.S.-SIPAJAHR
DIST- DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H RAHMAN, RUBI GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.10.2024

1. Heard Mr. H. Rahman, learned counsel for the petitioners, namely (i) Jiyarul Haque, and (ii) Giasuddin Ali.

2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are behind bars since 07.06.2024 in connection with Sipajhar P.S. Case No. 83/2024 registered under Section 22(C) of the NDPS Act.
3. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State. It is submitted that there are incriminating materials in the Case Diary against the petitioner.
4. I have considered the submissions at the Bar.
5. The FIR unfolds that the investigating team received a secret information that the petitioners and the co-accused named in the FIR have been dealing with Ganja business for a considerable period of time at Singimari area. On the basis of a tip-off, the investigating team reached the place of occurrence and noticed 5-6 persons assembled in the PWD culvert. When the miscreants tried to flee, the team apprehended the petitioners and a plastic bag containing Ganja was seized from their possession.
6. It is submitted on behalf of the petitioners that the petitioners were caught with 1.106 kgs of Ganja. It is submitted that the co-accused have already been enlarged on bail as perusal of the Case Diary reveals that investigation may have progressed substantially.
7. I have considered the submission that 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. Send back the Case Diary.

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

JUDGE

Comparing Assistant