

GAHC010212192024



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

Case No. : Bail Appln./3086/2024

MAIMAN PARBIN
W/O. MD. BILAL HUSSAIN, R/O. NO.1 DAULASAL, P/S. MUKALMUA, DIST.-
NALBARI, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. B CHOWDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

15.10.2024

Heard Mr. B. Chowdhury, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha

Sanhita (BNSS), 2023 has been filed by the petitioner, Maiman Parbin, who has been detained behind the bars since 11.08.2024 (for last 33 days) in connection with Mukalmua Police Station Case no. 272/2024 (corresponding G.R. Case no. 870/2024) under Section 21(b) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

3. The gist of the accusation in this case is that on 11.09.2024 one Tridip Kumar Bora had lodged an FIR before the Officer-In-Charge, Mukalmua Police Station, inter-alia, alleging that on receipt of an information through reliable sources regarding illicit trade of narcotic drugs in the house of one Bilal Hussain. A search operation was conducted in the house of Bilal Hussain and heroin weighing about 20 grams (with containers) was recovered from there. However, the said Billal Hussain could not be apprehended as he absconded and the present petitioner, who is a wife of Bilal Hussain was apprehended along with a baby of 4 (four) years old.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and not involved in any offence alleged in the FIR. The learned counsel for the petitioner also submits that on reading of the FIR, it could reveal that the allegation in the FIR is against the husband of the petitioner and as he absconded, the Police apprehended the present petitioner. He has also submitted that the quantity of contraband seized in this case is 2.28 grams which is a small quantity. However, the petitioner has been detained behind the bars for last 33 days. On the other hand, learned Additional Public Prosecutor has objected the prayer for grant of bail to the present petitioner on the ground that the investigation is still pending. The receipt of FSL Report and the

contraband has been recovered from the house of the accused person. Hence, there are incriminating materials against the present accused person in the case diary.

5. I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record including the case diary of Mukalmua Police Station Case no. 272/2024, it appears that the allegation in the FIR was mainly against the husband of the present petitioner though the petitioner also reside in the same house from where the recovery has been made. Moreover, the recovery is only of 2.28 grams of heroin which is a small quantity. It also appears that the petitioner has already been detained behind the bars for last 33 days. Considering the quantity of contraband involved in this case as well as the period of detention already undergone, this Court is of the considered opinion that further custodial detention of the present petitioner could not be necessary for fair completion of the investigation of the case.

6. In view of the above, the petitioner Maiman Parbin is allowed to go on bail of Rs. 30,000/- (Rupees Thirty thousand only) with one surety of like amount to the satisfaction of the learned Special Judge, Nalbari subject to the following conditions :-

- (i) That the petitioner shall co-operate in the investigation;
and
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other

persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer.

7. With the above observation, this bail application is accordingly disposed of.
8. Send back the case diary.

JUDGE

Comparing Assistant