

GAHC010213572024



2024:GAU-AS:11329

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

Case No. : Bail Appln./3125/2024

SAJIDUL ISLAM
S/O LT. ABDUR RAHMAN, R/O VILL- NO. 2 PUBERGAON, P.S.-
MANKACHAR, DIST-SOUTH SALMARA, MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : A W AMAN, ISHANI SHOME, SAMIM RAHMAN, MR. SURAJIT DAS, MS SURAYA RAHMAN, MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

20/11/2024

Heard Mr. S Das, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner, namely, **Sajidul Islam**, son of Late Abdur Rahman, resident of Village-No. 2 Pubergaon, P.S. Mankchar, District-South Salmara, Mankachar, seeking bail in **Mankachar P.S. Case**

No. 176/2024 registered under Sections 21(b)/29 of NDPS Act, 1985, corresponding to G.R. No. 396/2024, wherein he was arrested on 21.09.2024 and is in custody since then.

3. As per the FIR, on 04.09.2024 at 8:30 PM, a secret information was received from reliable source that the accused, Sofikul Alom has stocked huge quantity of Psychotropic Substances at his house and selling it to other small drug peddlers. Accordingly, G.D. Entry No. 34 dated 04.09.2024 was made and said information was accordingly shared with the senior police officer of the district over phone. Thereafter, a police team from Mankachar Police Station proceeded to conduct a search in the house of the accused and recovered 48 nos. of plastic vial suspected to be narcotic drugs (Heroin) weighing 56 gms. with plastic vial and 6 gms. without plastic vial. Accordingly, Mankachar P.S. Case No. 176/2024 under Sections 21(b)/29 of NDPS Act, 1985 was registered against the petitioner.

4. Mr. Sarma, learned Additional Public Prosecutor, Assam, on instruction submitted that charge-sheet in said Mankachar P.S. Case No. 176/2024 is yet to be submitted.

5. Since 21.09.2024, the petitioner is in custody for more than 60 days as on today and has already completed the statutory/mandatory period of his detention in custody.

6. In view of the above, the petitioner is entitled for his default bail in said Mankachar P.S. Case No. 176/2024.

7. Accordingly, the petitioner, namely, **Sajidul Islam**, is granted default bail in said **Mankachar P.S. Case No. 176/2024** registered under Sections 21(b)/29 of NDPS Act, 1985, corresponding to G.R. No. 396/2024, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties each of the like amount, one of which shall be a Government Employee, either Central or State Government, to the satisfaction of the learned Special Judge (NDPS) cum Sessions Judge, South Salmara Mankchar, on conditions that the petitioner — **(i)** shall appear before the Investigating Officer of said Mankachar P.S. Case No. 176/2024 as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of the learned Special Judge (NDPS) cum Sessions Judge, South Salmara Mankchar, without obtaining prior written permission from the said authority; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(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; **(v)** shall

not indulge himself in any criminal activities including possession or procurement of such NDPS items and **(vi)** shall surrender his passport, if any, before the learned Special Judge (NDPS) cum Sessions Judge, South Salmara Mankchar on or before 27.11.2024, obtaining necessary acknowledgment in that regard, failing which, the bail granted to him in the aforesaid **Mankachar P.S. Case No. 176/2024** shall stand automatically vacated.

8. This bail application accordingly stands disposed of with the above directions.

JUDGE

Comparing Assistant