

GAHC010213612024



2024:GAU-AS:11206

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

Case No. : Bail Appln./3109/2024

MD. BUBUL ALI
S/O LATE HAMIDULLAH, R/O VILL- BARNI, P.S.-HAJO, DIST- KAMRUP (R),
ASSAM, PIN NO. 781102

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S K DAS, MR D BARMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18-11-2024

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

2. The petitioner, namely, **Md. Bubul Ali**, son of late Hamidullah, has filed this application under Section 483 BNSS, 2023, seeking bail in **Hajo P.S. Case No.351/2024** corresponding to G.R. No.518/2024 registered under Sections 21(b)/29/31 of the NDPS Act, wherein, he was arrested on 18.09.2024 and in

custody since then.

3. As per the FIR dated 18.09.2024, lodged before the Officer-in-Charge of Hajo Police Station by the Sub-Inspector of Police of said Hajo P.S., the case is that a specific information was received from reliable source on that day at about 06:20 pm, that a huge amount of Narcotic Drugs suspected to be heroin had been kept by the petitioner of Barni Police Station at his own residence. An information regarding the petitioner's involvement in the illicit trafficking of Narcotic Drugs was also received by the informant and that the petitioner was likely to take away the consignment before midnight on the same date. Accordingly, Hajo P.S. GD Entry No.004 dated 18.09.2024 was made and on being duly authorized, police personnel from Hajo Police Station proceeded to the house of the petitioner. On reaching the house of the petitioner, he was found inside the house. Thereafter, the police personnel of Hajo Police Station searched the house of the petitioner in presence of independent witnesses and on being searched, three soap boxes containing three polythene packets of suspected heroin powder, weighing 35.3 grms without soap box along with cash amount of Rs.40,000/- was found.

4. On instruction of the Investigating Officer of said Hajo P.S. Case No.351/2024, Mr. Sarma, learned Addl. PP submitted that the FSL report of the seized NDPS items recovered from the house of the petitioner is yet to be received for which charge-sheet in the case could not be filed till date.

5. Since 18.09.2024, the petitioner is in custody for about 61 days. In view of the above, the petitioner is entitled for his default bail in said Hajo P.S. Case No.351/2024.

6. Accordingly, the petitioner, namely, **Md. Bubul Ali** is granted default bail in

said Hajo P.S. Case No.351/2024 on furnishing a bail bond of Rs. 50,000/- with two local sureties of the like amount, one of which shall be government employee, either State Government or Central Government, to the satisfaction of the learned Special Judge (NDPS)-cum-Sessions Judge, Kamrup, Amingaon on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said Hajo P.S. Case No.351/2024 as and when he is required for necessary investigation of said Hajo P.S. Case; **(ii)** shall surrender his passport, if any, before the learned Special Judge (NDPS)-cum-Sessions Judge, Kamrup, Amingaon on or before 26.11.2024; **(iii)** shall not leave the territorial jurisdiction of Hajo Police Station without obtaining prior written permission from the Investigating Officer of the case; **(iv)** shall not hamper with the investigation or tamper with the evidence of the case; **(v)** 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 and **(vi)** shall not indulge himself in any such criminal activities in future including possession or procurement of such NDPS items.

7. Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in the aforementioned Hajo P.S. Case No.351/2024 shall stand automatically vacated.

8. Bail application stands allowed to the extent above.

9. Return the case diary.

JUDGE

Comparing Assistant