

GAHC010214142024



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

Case No. : Bail Appln./3162/2024

NASIRUL ISLAM AND ANR
S/O LATE LIAKAT ALI, R/O VILL- GORAIMARI, P.S. AND DIST-
BONGAIGAON, ASSAM

2: AMINUR ISLAM MANDAL
S/O MEGHA MANDAL
R/O VILL- KAWAITIKA
P.S.-BIJNI
DIST-CHIRANG
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR. M M ZAMAN, MR A BASUMATARY, MR N AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 07.11.2024

Heard Mr. N.J. Dutta, learned counsel for the petitioners. Also heard Mr. D.P.

Goswami, learned Additional Public Prosecutor for the State of Assam.

2. By this petition under Section 483 of the Bharatiya Nagarik Surksha Sanhita, 2023, the accused-petitioners, namely, **1. Nasirul Islam** and **2. Aminur Islam Mandal** have prayed for grant of bail in connection with **Kalgachia P.S. Case No.130/2024** under Section 21 (b)/29 of NDPS Act.

3. The learned counsel for the petitioners submits that the petitioners are habitual drug addict persons but they have been arrested only on suspicion. They have been in judicial custody since 29.09.2024. The learned counsel for the petitioners further submits that the petitioners were arrested for recovery of intermediate quantity of narcotics drugs weighing about 22.21 grams and they have been in judicial custody for last 41 days since their arrest on 29.09.2024. As such, considering length of detention, bail may be considered.

4. The learned Addl.P.P. has produced the case diary without the FSL report and submits that as per case diary, the petitioners are mainly consumers of drugs and sometimes they also used to sell the same. However, length of detention may be considered.

5. Having heard the learned counsel for the parties and on perusal of the case diary and the averments made in this petition, it appears that the petitioners are in judicial custody for about 41 days and charge-sheet is not yet submitted in the case and as such, considering the length of detention, this Court is of the considered opinion that further custodial interrogation of the petitioners in the interest of investigation is not warranted.

6. Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 50,000/-** (Rupees fifty thousand) only each with two sureties each of the like amount to the satisfaction of the learned

Special Judge (NDPS Act), Barpeta, subject to the following conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned **Special Judge, Barpeta** without prior written permission from him/her;
- (ii) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioners 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 him from disclosing such facts to the Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

- 7. Accordingly, the bail application stands disposed of.
- 8. Return the case diary.

JUDGE

Comparing Assistant