

GAHC010216582024



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

Case No. : Bail Appln./3144/2024

AMINUR ISLAM
S/O HAZARAT ALI,
RESIDENT OF VILLAGE KAYETHPARA, PS ABHAYAPURI, DIST
BONGAIGAON, ASSAM,
PERMANENT ADDRESS VILLAGE HARDEMARA, PS CHAPAR DIST
DHUBRI, ASSAM 783371

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M Z SHAH, MD P RAHMAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 08.10.2024

Heard Mr. M. Z. Shah, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State respondent.

2. By way of this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking grant of regular bail to the petitioner, i.e. Aminur Islam who was arrested on 03.08.2024 in connection with Chapar P.S. Case No.123/2024 registered under Section 22(b) of NDPS Act.

3. The case of the prosecution is that on 02.08.2024 upon information received as regards transportation of narcotic drugs, the informant upon receiving requisite authorization proceeded to the spot along with police party and upon a motor cycle being Pulsar bike bearing Registration No. AS-17-3239 coming towards them, intercepted the said bike and interrogated the petitioner who was riding the said bike and upon charge of the bike in presence of local witness, 10 numbers of Triprolidine Hydrochloric & Codeine Phosphate Syrup (suspected to be Narcotic Drugs & Psychotropic substances) were seized from one black colour polythene which was kept concealed in the said bike.

4. Accordingly, a case was registered and the petitioner was arrested on 03.08.2024 and he was forwarded before the learned

Special Judge, Bilasipara and since then he is in judicial custody.

5. Mr. M. Z. Shah, learned counsel for the petitioner submits that mandatory period of 60 (sixty) days is over and as such the petitioner is entitled to be released on default bail.

6. Mr. Baishya, learned Additional Public Prosecutor submits that the contraband articles have been seized from the possession of the petitioner.

7. Heard the learned counsel for both the parties and perused the material available on record.

8. It appears that the mandatory 60 (sixty) days period is over.

9. On consideration of the length of detention, further detention of the petitioner, in the interest of the ongoing investigation, is not justified.

10. Therefore, the petitioner is granted bail.

11. Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the abovementioned case on furnishing bail bond of **Rs. 25,000/-** with two suitable sureties of the like amount, to the satisfaction of jurisdictional learned Special Judge, Bilasipara under the NDPS Act.

12. The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of jurisdictional learned Special Judge, under the NDPS Act, without prior

written permission from him;

(b) shall deposit his Passport/visa, etc if any, in the court of the learned jurisdictional Special Judge;

(c) shall not hamper with the investigation, or tamper with the evidence of the case;

(d) 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 Court or to any police officer; and

(e) shall appear before the Investigating Police Officer once in a week until the entire investigation of the case is completed and as and when called by the Investigating Police Officer for the purpose of investigation of the case.

13. The petition stands disposed of accordingly.

JUDGE

Comparing Assistant