

GAHC010217592024



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

Case No. : Bail Appln./3180/2024

SHAHAJUL HOQUE AND ANR
S/O JAHAR UDIIN, R/O VILL- MARKUA, P.S.-BAGUAN, DIST-GOALPARA,
ASSAM

2: KHONDOKAR AKRAM HUSSAIN
S/O KHAIRUL ISLAM
R/O VILL- MAJHERCHAR PART-II
P.S.-MAHENDRAGANJ
DIST-WEST GARO HILLS
MEGHALAY

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N ALAM R K, MR. A RAHMAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

28-10-2024

Heard Mr. A Rahman, learned counsel for the petitioners and Ms. S B Hazarika, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners, namely, (i) **Shahajul Hoque**, son of Jahar Uddin, resident of village-Markua, P.S.-Baguan, District-Goalpara and (ii) **Khondokar Akram Hussain**, son of Khairul Islam, resident of village-Majherchar Part-II, P.S.-Mahendraganj, District-West Garo Hills, Meghalaya have prayed for their bail in connection with Boko Police Station Case No. 385/2024 registered under Sections 21(b)/29 of the NDPS Act, corresponding to G.R. No. 449(K)24, in which they were arrested on 29.08.2024 and are in custody since then.

3. As per the FIR of the case dated 29.08.2024 lodged by one WSI(P) of Boko Police Station, on 29.08.2024 at around 01:15 PM on receipt of reliable information that some peddlers are carrying out the business of selling Heroin in Rajapara area under Boko Police Station of Kamrup District, a GD Entry vide Boko P.S. GD Entry No. 11 dated 29.08.2024 was made and on being duly authorized, police personnel from Boko P.S. at around 1:30 PM proceeded towards Rajapara. On reaching Rajapara, police personnel stopped the petitioners who were coming on a motorcycle from Dhupdhara side and during search, police found one plastic bag on the left back side hook of the motorcycle bearing Registration No. AS-18-H-2726 containing 10 (ten) Nos. of Soap Box of different colour containing suspected heroin in sealed plastic bag weighing 120 Grams without cover. Accordingly, Boko Police Station Case No. 385/2024 under Sections 21(b)/29 of the NDPS Act was registered and the said articles were seized from the petitioners.

4. Though the seized substances after proper inventory have been forwarded for FSL examination, but till date the FSL report has not been received.

5. Case Diary is available with Ms. S B Hazarika, learned APP, Assam.

6. The petitioners since their date of arrest on 29.08.2024 are in custody for about 61 days as on today and have already completed the statutory period of their detention of 60 (sixty) days on 27.10.2024.

7. Considering that the charge-sheet in said Boko P.S. Case is yet to be filed and that the petitioners herein the meanwhile completed the statutory period of detention of 60 days, therefore, the petitioners, namely, **(i) Shahajul Hoque** and **(ii) Khondokar Akram Hussain** are granted default bail in said Boko P.S. Case No. 385/2024 on furnishing bail bond of Rs. 50,000/- each with two local sureties, each of the like amount, one of which shall be a government employee either state or central government, to the satisfaction of the learned Special Judge (NDPS), Amingaon on conditions that the petitioners – **(i)** shall appear before the Investigating Officer of said Boko P.S. Case No. 385/2024 as and when they are required for necessary investigation of the case; **(ii)** shall surrender their passport, if any, before the learned Special Judge (NDPS), Amingaon on or before 05.11.2024; **(iii)** shall not leave the territorial jurisdiction of the learned Special Judge (NDPS), Amingaon, without obtaining prior written permission from the said authority; **(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 themselves in any criminal activities including possession or procurement of such NDPS items.

8. Any violation of the aforesaid terms and conditions by the petitioners, named above, the bail granted to them in the aforementioned P.S. Case shall stand automatically vacated.

9. Bail application stands allowed to the extent above.

10. Return the case diary.

JUDGE

Comparing Assistant