

GAHC010220652024



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

Case No. : Bail Appln./3248/2024

NAJRUL ISLAM AND ANR
S/O HASSEN ALI
R/O UPAR DUM DUMIA
P.O. BALISATRA
P.S. BATADUWA
DIST. NAGAON, ASSAM

2: MONJIRUL ISLAM
S/O SOORAF ALI
R/O KATIAPATHAR
P.S. DHING
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE, MR. S K M ALOMGIR, MR A ISLAM

Advocate for the Respondent : PP, ASSAM,

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

ORDER

04-12-2024

Heard Mr. F Haque, learned counsel for the petitioners and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State

2. The petitioners, namely, (i) **Najrul Islam**, son of Hassen Ali, resident of Village-Upar Dum Dumia, Police Station-Bataduwa, District-Nagaon and (ii) **Monjirul Islam**, son of Sooraf Ali, resident of Katiapathar, Police Station-Dhing, District-Nagaon have filed this application under Section 483 BNSS, 2023, praying for their release on bail in Bongaigaon GRPS Case No. 121/2024 registered under Sections 20(b)(ii)(B)/29 of NDPS Act, in which they were arrested on 06.10.2024 and are in custody since then.

3. As per the FIR dated 05.10.2024, police personnel from New Bongaigaon GRP-Investigation Centre during routine checking of the trains, in New Nagaon Express Train No. 15630 (SHTT-TBM) DN at Platform No. 1 of New Bongaigaon Junction at about 06.06 PM noticed the petitioners with a black bag and a blue bag moving in a suspicious manner. When they tried to escape from the said train, police personnel caught them and on being asked, they told the police personnel what was inside their bags. When their bags were searched by the I/C of New Bongaigaon GRP-Investigation Centre, four packets of suspected Ganja (Cannabis) weighing 8.290 Kgs were found from their possession.

4. Accordingly, the said FIR dated 05.10.2024 was registered as Bongaigaon GRPS Case No. 121/2024 under Sections 20(b)(ii)(B)/29 of NDPS Act against the petitioners.

5. Mr. B Sarma, learned APP, Assam, on instruction, has submitted that due to non-receipt of the FSL report, Charge-Sheet in the case has not yet been filed till date.

6. Since 06.10.2024, the petitioners are in custody for 60 days till date and have already completed the statutory/mandatory period of their detention.

7. Considering the above, the Court is of the view that the petitioners are entitled for their default bail in said Bongaigaon GRPS Case No. 121/2024.

8. Accordingly, the petitioners, namely, (i) **Najrul Islam** and (ii) **Monjirul Islam**, be released on default bail in said Bongaigaon GRPS Case No. 121/2024, 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), Bongaigaon on conditions that the petitioners —

- (i) shall appear before the concerned Investigating Officer of said Bongaigaon GRPS Case No. 121/2024 on every Monday commencing from 16.12.2024 for the next two English Calendar months or till filing of the Charge-Sheet in the case, whichever is earlier and also as and when they are required for necessary investigation of the said case;
- (ii) Shall surrender their passport, if any, before the learned Special Judge (NDPS), Bongaigaon on or before 16.12.2024.
- (iii) shall not leave the territorial jurisdiction of Bongaigaon Government Railway Police Station without obtaining prior written permission from the concerned I.O. of the case;
- (iv) shall not hamper 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 and
- (vi) shall not involve themselves in any criminal activities.

9. Any violation of the aforesaid terms and conditions by the petitioners, namely, (i) **Najrul Islam** and (ii) **Monjirul Islam**, the bail granted to them in said Bongaigaon GRPS Case No. 121/2024 shall stand automatically vacated.

10. With the above observations and directions, this bail application accordingly stands

disposed of.

JUDGE

Comparing Assistant