

GAHC010231922024



2024:GAU-AS:12845

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

Case No. : Bail Appln./3365/2024

RAHUL AHMED
S/O- MD. MAYINUDDIN SHEIKH,
R/O- H.NO- 53, PRAGATI PATH, NOTBOMA, HATIGAON CHARALI,
GUWAHATI-38, DIST- KAMRUP METRO, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. S A HUSSAIN, G BORO, S AHMED, MR D J HALOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

17-12-2024

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

2. The petitioner, namely, **Rahul Ahmed**, son of Md. Mayinuddin Sheikh, resident of House No.53, Pragati Path, Notbama, Hatigaon Chariali, District-

Kamrup (M), Assam has filed this application under Section 483 BNSS, seeking bail in **Dispur Police Station Case No. 1126/2024** corresponding to G.R. No.3135/2024 registered under Sections 21(b)/25 of the NDPS Act, 1985, wherein, he was arrested on 18.10.2024 and is in custody since then.

3. As per the FIR dated 18.10.2024, lodged before the Officer-in-Charge of Dispur Police Station, the case is that an information from secret source was received regarding dealing and selling of illegal drugs by culprits at Christian Basti to Ganeshguri area under Dispur P.S. jurisdiction since long. The said information was then forwarded to the senior authority vide STF PS GDE No. 292 dated 17.10.2024 and on authorization, police personnel from Dispur Police Station proceeded to Ganeshguri-Christian Basti. On reaching the spot, a search was conducted in presence of independent witnesses and one person on a black colour motor cycle was seen in suspicious activities. The said person was apprehended by police and on being search in presence of independent witnesses, one blue coloured soap box containing plastic transparent filled with suspected Heroin which was kept concealed in the right side pocket weighing about 12.45 grms (without soap box) was recovered and the said person was taken into custody.

4. Accordingly, Dispur Police Station Case No. 1126/2024 corresponding to G.R. No.3135/2024 under Sections 21(b)/25 of the NDPS Act, 1985 was registered.

5. The petitioner herein was arrested on 18.10.2024 and he was also produced before the Court of learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

6. On being enquired, Mr. B. Sarma, learned Additional Public Prosecutor,

Assam submitted that due to non-availability of the FSL report of the seized NDPS item, charge-sheet in said Dispur Police Station Case No. 1126/2024 could not be filed till date.

7. In the meanwhile, the petitioner since 18.10.2024 has completed 61 days in custody and hence, completed the statutory period of detention. Therefore, the petitioner is entitled for his default bail in said Dispur Police Station Case No. 1126/2024.

8. Accordingly, the petitioner, namely, **Rahul Ahmed**, son of Md. Mayinuddin Sheikh is granted default bail in said **Dispur Police Station Case No. 1126/2024** on furnishing bail bond of Rs. 50,000/-, 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), Kamrup (Metro), Guwahati on conditions that the petitioner, named above **(i)** shall appear before the Investigating Officer of said **Dispur Police Station Case No. 1126/2024** on every Thursday during the office hours for the next 3 (three) English Calendar Months, commencing from 02.01.2025 or till the date of filing of the Charge-Sheet in said **Dispur Police Station Case No. 1126/2024**, whichever is earlier; **(ii)** shall surrender his passport, if any, before the learned Special Judge (NDPS), Kamrup (Metro), Guwahati on or before 27.12.2024; **(iii)** shall not leave the territorial jurisdiction of the Dispur Police Station, without obtaining prior written permission from the concerned 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 further **(vi)** shall not indulge himself in any such criminal

activities, failing which, the bail granted to him in said **Dispur Police Station Case No. 1126/2024** shall stand automatically vacated.

9. Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said **Dispur Police Station Case No. 1126/2024** shall stand automatically vacated.

10. Bail application stands allowed to the extent above.

JUDGE

Comparing Assistant