

GAHC010232802024



2024:GAU-AS:11601

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

Case No. : Bail Appln./3374/2024

ABUL KASEM AHMED AND ORS
S/O- SAYED ALI,
R/O- SHOWPUR,
P.S- KALGACHIA, DIST-BARPETA, ASSAM

2: NUR MAHAMMAD
S/O- ROFIK ALI

R/O- SHOWPUR

P.S- KALGACHIA
DIST-BARPETA
ASSAM

3: BABIDUL HOQUE
S/O- HABIJUDDIN

R/O- SHOWPUR

P.S- KALGACHIA
DIST-BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : PHURINGDI NAIDING, MR. S SARKAR,MR K THAKUR,MR D MEDHI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

25-11-2024

Heard Mr. K. Thakur, learned counsel for the petitioners and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 BNSS, 2023, the petitioners, namely, **(1) Abul Kasem Ahmed**, son of Sayed Ali, **(2) Nur Mahammad**, son of Rofik Ali, both resident of Showpur, Police Station-Kalgachia, District-Barpeta and **(3) Babidul Hoque**, son of Habij Uddin, resident of Village-Utmari, Police Station-Kalgachia, District-Barpeta are seeking bail in **Harangajao P.S. Case No. 17/2024** corresponding to G.R. No. 161/2024 registered under Sections 21(b)/29 of the NDPS Act, wherein they were arrested on 26.09.2024 and in custody since then.

3. As per the FIR dated 26.09.2024 of the case, lodged before the Officer-in-Charge of Harangajao Police Station, the case is that on receipt of an information from reliable source that a white colour Maruti Alto vehicle bearing Registration No. AS-02-AJ-1920 was coming from Silchar side towards Haflong side carrying suspected Heroin for selling, the police personnel from Harangajao Police Station placed a Naka Checking at NH-27, near Council Check Gate, Dittokecherra. During such Naka Checking the said vehicle was intercepted at around 11:00 PM on 25.09.2024 and during search of the said white colour Maruti Alto vehicle bearing Registration No. AS-02-AJ-1920, 139.04 grms of suspected Heroin was recovered from the said vehicle in 12 numbers of soap cases.

4. On instruction of the Investigating Officer of said Harangajao P.S. Case No. 17/2024, Mr. Parasar, learned Addl. PP submitted that the FSL report of the seized NDPS items recovered from the petitioners is yet to be received for which charge-sheet in the case could not be filed till date.
5. Since 26.09.2024, the petitioners are in custody for about 61 days. In view of the above, the petitioners are entitled for their default bail in said Harangajao P.S. Case No. 17/2024.
6. Accordingly, the petitioners, namely, **(1) Abul Kasem Ahmed**, son of Sayed Ali, **(2) Nur Mahammad**, son of Rofik Ali and **(3) Babidul Hoque**, son of Habij Uddin, are granted default bail in said **Harangajao P.S. Case No. 17/2024** on furnishing a bail bond of Rs. 50,000/- each with two local sureties each of the like amount, one of which shall be government employee, either State Government or Central Government, to the satisfaction of the learned Special Judge (NDPS), Dima Hasao, Haflong on conditions that the petitioners – **(i)** shall appear before the Investigating Officer of said Harangajao P.S. Case No. 17/2024 as and when they are required for necessary investigation of said Harangajao P.S. Case; **(ii)** shall surrender their passports, if any, before the learned Special Judge (NDPS), Dima Hasao, Haflong on or before 03.12.2024; **(iii)** shall not leave the territorial jurisdiction of the learned Special Judge (NDPS), Dima Hasao, Haflong, 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 further **(vi)** shall not indulge themselves in any such criminal activities including possession or procurement of such NDPS items, failing which,

the bail granted to them in said Harangajao P.S. Case No. 17/2024 shall stand automatically vacated.

7. Any violation of the aforesaid terms and conditions by the petitioners, named above, the bail granted to them in the aforementioned Harangajao P.S. Case No. 17/2024 shall stand automatically vacated.

8. Bail application stands allowed to the extent above.

JUDGE

Comparing Assistant