

GAHC010236032024



2024:GAU-AS:11602

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

Case No. : Bail Appln./3426/2024

ZIARUL ISLAM
S/O SADEK ALI
VILL- MAHAMAYACHAR
P.S. SOUTH SALMARA
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S ISLAM, S RAHMAN,MR. R ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

25-11-2024

Heard Mr. S. Islam, learned counsel for the petitioner and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Ziarul Islam** is seeking bail in **Chaygaon P.S. Case No. 331/2024** corresponding to G.R. No. 1164(K)/2024 registered under Section 21(b) of the NDPS Act, wherein he was arrested on 25.09.2024 and in custody since then.

3. As per the FIR dated 24.09.2024 of the case lodged before the Officer-in-Charge of Chhaygaon Police Station, the case is that an information was received that one person namely, Ziarul Islam, a veteran drugs peddler was coming from Jalukbari side towards Chaygaon Gobardhan along with NDPS items to deliver those NDPS items at Chaygaon base party. Accordingly, on receipt of such information, the police personnel from Chaygaon Police Station proceeded to Gobardhan and apprehended the accused person and during search 14 numbers of soap cases suspected to be Herion, weighing about 203 grms were recovered from the possession of the petitioner. Accordingly, Chaygaon P.S. Case No. 331/2024 under Section 21(b) of the NDPS Act was registered against the petitioner.

4. On instruction of the Investigating Officer of said Chaygaon P.S. Case No. 331/2024, Mr. Parasar, learned Addl. PP submitted that the FSL report of the seized NDPS items recovered from the petitioner is yet to be received for which charge-sheet in the case could not be filed till date.

5. Since 26.09.2024, the petitioner is in custody for about 62 days. In view of the above, the petitioner is entitled for his default bail in said Chaygaon P.S. Case No. 331/2024.

6. Accordingly, the petitioner, namely, **Ziarul Islam**, is granted default bail in said **Chaygaon P.S. Case No. 331/2024** on furnishing a bail bond of Rs. 50,000/- with two local sureties 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), Kamrup, Amingaon on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said Chaygaon P.S. Case No. 331/2024 as and when he is required for necessary investigation of said Chaygaon P.S. Case; **(ii)** shall surrender his

passport, if any, before the learned Special Judge (NDPS), Kamrup, Amingaon on or before 03.12.2024; **(iii)** shall not leave the territorial jurisdiction of the learned Special Judge (NDPS), Kamrup, 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 further **(vi)** shall not indulge himself in any such criminal activities including possession or procurement of such NDPS items, failing which, the bail granted to him in said Chaygaon P.S. Case No. 331/2024 shall stand automatically vacated.

7. Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in the aforementioned Chaygaon P.S. Case No. 331/2024 shall stand automatically vacated.

8. Bail application stands allowed to the extent above.

JUDGE

Comparing Assistant