

GAHC010237182024



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

Case No. : Bail Appln./3432/2024

NASIUR RAHMAN
S/O ATOWAR RAHMAN
R/O VILL- GARIGAON MAJID, GARIGAON
P.S. JALUKBARI, IN THE DISTRICT OF KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. F A HASSAN, MD A H ANSARI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 12.11. 2024

Heard Mr. F.A. Hassan, learned counsel for the petitioner and Mr. D.P. Goswami, learned Addl. Public Prosecutor for the State respondent.

This application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely **NASIUR RAHMAN**, who was arrested 11.09.2024, seeking bail in connection with **Palashbari P.S. Case No. 336/2024** under Sections 21(c/ 29 of NDPS

Act, 1985.

The allegation made in the F.I.R. dated 10.09.2024, in brief, is that 410 grams of suspected heroin was recovered and seized from the possession of the petitioner.

The learned counsel for the petitioner submits that initially it is reflected in the F.I.R. that 410 grams of suspected heroin was recovered from the possession of the petitioner and as such, the case was registered under Section 21(c) of the NDPS Act. But as per the inventory report of the learned Magistrate, weight of the contraband was 224 grams which falls in the intermediate quantity. The petitioner has been languishing in judicial custody for last 64 days since his arrest on 11.09.2024. Considering the length of detention, the petitioner may be enlarged on bail.

The learned Additional Public Prosecutor admits that the contrabands recovered from the possession of the accused/ petitioner are 224 grams of heroin, which is intermediate quantity. However, length of detention may be considered.

Having heard the learned counsel for the parties and perusing the averments made in the petition, it appears that the petitioner is in judicial custody for last 64 days and considering the length of detention, further custodial detention of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on bail on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand), only with two suitable sureties of like amount to the satisfaction of the learned Special Judge, Kamrup (R), Amingaon in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (1) shall not leave the territorial jurisdiction of the learned Special Judge, Kamrup (R), Amingaon without prior written permission from him/ her;
- (2) shall cooperate with the Investigating Officer as and when required;

- (3) 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 him from disclosing such facts to the Police Officer or to the Court; and
- (4) Violation of any condition shall tantamount to cancellation of bail.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant