

GAHC010239692024



2024:GAU-AS:12833

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

Case No. : Bail Appln./3486/2024

HAMIDA PARBIN
W/O MD. JULASH ALI @ MANIK ALI
VILL NO. 2 SONAPUR
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN, MS. A AKHTAR, MR S K CHHETRY, MR. M ISLAM

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

17.12.2024

Heard Mr. N. Uddin, learned counsel of the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor representing the State respondent.

This application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for the release of the petitioner on regular bail in connection with Bihpuria P.S. Case No. 189/2024, registered under Section 21(b)/29 of the NDPS Act.

Mr. Uddin, learned counsel for the petitioner, has submitted that the petitioner is innocent and she is no way connected to the alleged offence. It is contended that on the day of the incident, the police visited the petitioner's house, and in the absence of her husband, she was apprehended by the Investigating Officer (I.O.) on the ground that she would be released after her husband's arrival. Accordingly, she called her husband, and upon his appearance, both the petitioner and her husband were arrested in connection with this case.

He further submits that the petitioner has two minor children and is not at all involved in the alleged offence. Moreover, the petitioner has been behind bars for the last 51 days, and thus, considering the length of detention already undergone by the petitioner, she may be released on bail. Being a local resident, there is no chance of her absconding. He also submits that the petitioner is ready to co-operate with the I.O, if permitted.

In this context, Mr. Baruah, learned Additional Public Prosecutor, has

submitted that there are sufficient materials against the accused/petitioner. However, it is a fact that there is no direct allegation against the accused/petitioner, but the seizure was made in her presence at her house, and thus she may be involved in the offence.

Considering the submissions of learned counsels for both sides, as well as a perusal of the case diary and the length of detention already undergone by the accused/petitioner (i.e., 51 days), I am of the view that the I.O. has had ample opportunity to interrogate the accused/petitioner in custody. Accordingly, further custodial interrogation of the accused/petitioner does not seem necessary in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Special Judge, Lakhimpur, the accused/petitioner, namely, Musstt. Hamida Parbin, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make herself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner 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 her from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Special Judge, Lakhimpur, without prior permission.

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

JUDGE

Comparing Assistant