

GAHC010248292024



2024:GAU-AS:11706

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

Case No. : Bail Appln./3571/2024

RAZIBUL HOQUE
S/O- NIZAMUDDIN,
R/O- VILLAGE- BHALUKI, P.S- BARPETA ROAD,
DIST-BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : TAWHID ALOM LASKAR, SAMIM RAHMAN,A S
CHOUDHURY,MR A W AMAN,MR. SURAJIT DAS,MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

26/11/2024

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

2. This application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner, namely, **Razibul Hoque**, son of Nizamuddin, resident of Vilallage-Bhaluki, P.S.

Barpeta Road, District-Barpeta, seeking bail in **Barpeta Road P.S. Case No. 141/2024** registered under Sections 21(b)/29 NDPS Act, wherein he was arrested on 18.09.2024 and is in custody since then.

3. As per the FIR of the case, while making search by police personnel from Barpeta Road Police Station with due authorization, 10.08 gms. of suspected Heroin was recovered from the physical possession of the petitioner. Accordingly, Barpeta Road P.S. Case No. 141/2024 under Sections 21(b)/29 NDPS Act was registered against the petitioner.

4. During the deliberation of the matter, Mr. Sarma, learned Additional Public prosecutor, Assam submitted that due to non-receipt of the FSL report, charge-sheet in the case could not be submitted till date.

5. Since 18.09.2024, till date, the petitioner is in custody for more than 60 days and thereby he has already completed the statutory/mandatory period of his detention in custody.

6. Due to non-filing of the charge-sheet within the statutory period as prescribed under the BNSS Act and NDPS Act, the petitioner is entitled for his default bail in said Barpeta Road P.S. Case No. 141/2024.

7. Accordingly, the petitioner, namely, **Razibul Hoque**, is granted default bail in said **Barpeta Road P.S. Case No. 141/2024** registered under Sections 21(b)/29 NDPS Act, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties each of the like amount, one of which shall be a Government Employee, either Central or State Government, to the satisfaction of the learned Special Judge (NDPS), Barpeta, on conditions that the petitioner — **(i)** shall appear before the Investigating Officer of said Barpeta Road P.S. Case No. 141/2024 as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of the learned Special Judge (NDPS), Barpeta, without obtaining prior written permission from the said authority; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** 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; **(v)** shall not indulge himself in any criminal activities including possession or procurement of such NDPS items and **(vi)** shall surrender his passport, if any, before the learned Special Judge (NDPS), Barpeta, on or before 04.12.2024, obtaining necessary acknowledgment in that regard, failing which, the bail granted to him in the aforesaid Barpeta Road P.S. Case No. 141/2024 shall stand automatically vacated.

8. This bail application accordingly stands disposed of with the above directions.

JUDGE

Comparing Assistant