

GAHC010250252024



2024:GAU-AS:12917

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

Case No. : Bail Appln./3620/2024

TAHIDA KHATUN
W/O TOHOR ALI
PERMANENT RESIDENT OF-
7 NO. BASHBARI, KIRTANPARA, P.S. MANIKPUR, DIST. BONGAIGAON,
ASSAM,
PRESENTLY RESIDING AT-HOUSE NO. 20, KALI MANDIR PATH,
BEHARBARI, P.S. BASISTHA, GUWAHATI, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K HUSSAIN, MS S HAZARIKA, MR. B HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

18/12/2024

Heard Mr. A K Hussain, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely, **Tahida Khatun**, wife of Tohor Ali, permanent resident of 7 No. Bashbari, Kirtanpara, P.S. Manikpur, District-Bongaigaon, presently residing at House No. 20, Kali Mandir Path, Beharbari, P.S. Basistha,

seeking bail in **Basistha P.S. Case No. 772/2024** registered under Section 20(b)(ii)(A) of NDPS Act corresponding to G.R. No. 6430/2024, wherein she was arrested on 01.11.2024 and is in custody since then.

3. As per the FIR of the case, on 31.10.2024 around 6:30 PM, a reliable information was received from source that one lady, resident of Kali Mandir Path, Beharbari under Basistha Police Station has been actively involved in drug trafficking. Accordingly, Basistha Police Station G.D. Entry No. 19 dated 31.10.2024 was entertained. Thereafter, with due authorization, police personnel from Basistha Police Station proceeded to the relevant place. During search operation following the due procedure, the petitioner was apprehended from House No. 20, Kali Mandir Path, Beharbari under Basistha Police Station and recovered 8.951 kgs. of suspected ganja from her possession. Accordingly, she was taken into custody. Said FIR dated 31.10.2024 was accordingly registered as Basistha P.S. Case No. 772/2024 under Section 20(b)(ii)(A) of NDPS Act.

4. The petitioner was produced before the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati on 01.11.2024 and since then she is in custody.

5. Mr. Hussain, learned counsel for the petitioner submitted that considering her detention since 01.11.2024, the petitioner should be considered for her bail in said Basistha P.S. Case No. 772/2024.

6. It is also submitted by Mr. Hussain, learned counsel for the petitioner that the petitioner is suffering from certain medical ailments. To that extent, the petitioner did not annex any such medical certificate.

7. Perused the case diary placed before the Court today by Mr. Parashar, learned Additional Public Prosecutor, Assam.

8. Mr. Parashar, learned Additional Public Prosecutor, Assam from the case diary submitted that investigation is completed, but FSL report with regard to the seized suspected NDPS items recovered from the possession of the petitioner is awaited.

9. Considering the materials available in the case diary, this Court is of the view that further custodial detention of the petitioner, named above, is not warranted to investigate the said Basistha P.S. Case No. 772/2024. As such, this bail application of the petitioner in said Basistha P.S. Case is accepted.

10. Accordingly, the petitioner, namely, **Tahida Khatun**, be released on bail in said **Basistha P.S. Case No. 772/2024** registered under Section 20(b)(ii)(A) of NDPS Act corresponding to G.R. No. 6430/2024, on furnishing a bail bond of Rs.1,00,000/- with 2 (two) local sureties each of the like amount to the satisfaction of the learned Special Judge (NDPS), Kamrup (Metro), Guwahati on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said Basistha P.S. Case No. 772/2024, on every Thursday commencing from 02.01.2025 for the next 3 (three) English Calendar months during office hours or till filing of the charge-sheet in the case, whichever is earlier and also as and when she is required in connection with the said Basistha P.S. case; **(ii)** shall not leave the territorial jurisdiction of Basistha Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(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 and **(v)** shall not indulge herself in any criminal activities including possession or procurement of such NDPS items, failing which, the bail granted to her in said Basistha P.S. Case No. 772/2024 shall stand automatically vacated.

11. This bail application accordingly stands allowed to the extent above.

12. Return the case diary.

JUDGE

Comparing Assistant