

GAHC010269352024



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

Case No. : Bail Appln./3888/2024

ABDUR RAHIM
S/O LATE GUTU MIYA
R/O VILL- NO. 1 DAULASAL
P.S.MUKALMUA
DIST. NALBARI, ASSAM
PIN-781312

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : J U AHMED, MR S A REEYAZ, MR. R K MUSHAHARY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19-12-2024

Heard Mr. J.U. Ahmed, the learned counsel for the petitioner. Also heard Mr. R.J. Baruah, the learned Additional Public Prosecutor appearing on behalf of the State respondent.

2. This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for bail to the accused/petitioner, who has been languishing in jail since 03.11.2024 in connection with Mukalmua Police Station Case No. 272/2024 dated 11.09.2024, registered under Sections 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. It is submitted by Mr. Ahmed, learned counsel for the petitioner that the present accused/petitioner is innocent and is in no way connected with the alleged offence. The only allegation brought against the present petitioner in the FIR as well as the forwarding report that he helped the other co-accused persons to fled away from the place of incident. That apart there is no other allegation of any recovery or other allegation to show his involvement in the alleged offence. More so, the petitioner is behind the bar since last 03.11.2024 and thus the Investigating Officer got sufficient time for his custodial interrogation as the accused is behind the bar since last 47 days. Further he submitted that the petitioner will extend his cooperation in further investigation of the case, if he is released on bail.

4. Mr. Baruah, the learned Additional Public Prosecutor submitted in this regard that on an enquiry made by him it is intimated that the investigation is still under process and he further submitted that the involvement of the present petitioner cannot be said at this stage and which may be revealed only after perusal of the Case Diary. Accordingly, Mr. Baruah insisted for bringing of Case Diary on the next date of listing.

5. Hearing the submissions made by learned counsel for both sides, it is seen that the allegation brought against the present petitioner is only that he helped the other co-accused to fled away from the place of occurrence. However,

during further investigation, Investigating Officer may find involvement of the present accused-petitioner. Apart of the merit of the case it is also seen that the Investigating Officer has got sufficient opportunity to interrogate the petitioner in custody.

6. Considering all aspects of the case, I find that further custodial detention may not be required for the interest of the investigation. Accordingly, I find it a fit case to grant the privilege of bail to the present petitioner/accused.

7. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only with one surety of like amount to the satisfaction of the learned Special Judge, Nalbari, the accused/petitioner, namely Abdur Rahim, be enlarged on bail, subject to the following conditions:-

- (i) that the petitioner shall make himself 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 him 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, Nalbari without prior permission.

The Bail Application stands disposed of.

JUDGE

Comparing Assistant