

GAHC010274122023



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

Case No. : Bail Appln./4438/2023

SHAHJAMAL ALI @ SHAJAMAL ALI
S/O LATE FAJAL HOQUE
VILL- DAKHIN BHAKUAMARI
P.S. BARPETA
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

04.01.2024

Heard Mr H A Ahmed, learned counsel for the petitioner, Shahjamal Ali @
Shajamal Ali.

3. The petitioner has filed this application under Section 439 CrPC, with prayer for bail as he is in jail since 07.11.2023, in connection with Barpeta PS Case No. 536/2023, under Section 21 (b) of the NDPS Act.

3. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

4. It is submitted on behalf of the present petitioner that he is behind bars for 59 days. The statutory period as per Section 167(2) of the Code of Criminal Procedure, 1973, is 60 days. The petitioner is also willing to cooperate with the remaining part of the investigation. He is a local resident and he is not a flight risk.

5. I have considered the submissions at the Bar with circumspection. I have also perused the Case Diary.

6. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with a suitable surety of the like amount, to the satisfaction of the learned Special Judge, Barpeta, under the condition that-

i) the petitioner shall refrain from such activities with which he is alleged, failing which, bail order shall stand cancelled.

7. Bail Application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant