

GAHC010288612023



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

Case No. : Bail Appln./4509/2023

SAHID ALI AND 2 ORS.
S/O LT MONOWAR HUSSAIN

VILL.- PANBARI RANGAMATI PT- III
P.O.- BILASHIPARA
P.S.- BILASHIPARA
DIST.- DHUBRI ASSAM.

2: MOFIJUL HOQUE @ MOPIJAL HOQUE
S/O MD. MIJIL SKEIKH
VILL.- BISANDOI PART-I
P.S.- GOLAKGANJ
DIST.- DHUBRI
ASSAM.

3: MOZIDUR ISLAM
S/O MD. RAHMAN ALI

VILL.- PATIMARI
P.S.- BILASIPARA
DIST.- DHUBRI
ASSAM.
VERSUS

THE STATE OF ASSAM
REP. BY THE P.P.
ASSAM.

Advocate for : MR. M ALI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

05.01.2024

Heard Mr M Ali, learned counsel for the petitioners, 1) Sahid Ali, 2) Mofijul Hoque @ Mopijal Hoque and 3) Mozidur Islam.

3. The petitioners, 1) Sahid Ali, 2) Mofijul Hoque @ Mopijal Hoque and 3) Mozidur Islam, have filed this application under Section 439 CrPC, with prayer for bail as they are in jail since 20.11.2023, in connection with Abhayapuri PS Case No. 511/2023, registered under Sections 21(b)/29 of the NDPS Act, 1985.

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

4. The allegation against the petitioners is that they and the co-accused have been apprehended while travelling with 43 grams of heroin.

5. The learned Additional Public Prosecutor has raised objection against the bail petition stating that there are incriminating materials in the Case Diary against the petitioners.

5. I have considered the submissions at the Bar with circumspection.

6. It is submitted at the Bar that the petitioners are local residents and they will

cooperate with the investigation as well as with the trial.

7. I have also considered the submission that investigation has progressed to a considerable extent.

8. I have scrutinized the Case Diary.

9. Investigation has progressed to a considerable extent. It appears that further custodial detention of the petitioners may not be required for the progress of investigation.

10. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioners are enlarged on bail of Rs. 50,000/- each, with a suitable surety of the like amount, to the satisfaction of the learned Special Judge, Abhayapuri, under the condition that-

i) the petitioners shall refrain from such activities with which they are alleged, failing which, the bail order shall stand cancelled.

11. Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant