

GAHC010280342023



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

Case No. : Bail Appln./4527/2023

HANIF ALI AND ANR
S/O MD. KAMAL UDDIN
VILL- HAJIPARA
P.O. JASHIHATIPARA
P.S. HOWLY
DIST BARPETA, ASSAM

2: RAFIQUL ISLAM
S/O LATE ALAM ALI
VILL- HAJIPARA

P.O. JASHIHATIPARA
P.S. HOWLY
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 09-01-2024

1. Heard Mr. R. Ali, learned counsel for the petitioners *Hanif Ali and Rafiquul Islam*.
2. The petitioners have filed this application under Section 439 of the Code of Criminal Procedure as they are in custody since 05.11.2023 in connection with Howly Police Station Case No. 187/2023 under Section 21(b) of NDPS Act, 1985.
3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.
4. Case diary is not received.
5. I have considered the submissions at the bar that the petitioners have been behind bars since 05.11.2023 and the case diary is not received nor charge sheet has been submitted.
6. Considering the length of detention, petition is allowed.
7. The petitioners are enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Fifty Thousand)* each with a suitable surety of like amount to the satisfaction of the learned Sessions Judge, Barpeta under the following conditions:

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

Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant