

GAHC010280692023



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

Case No. : Bail Appln./4550/2023

MAHIBUL ALI
S/O SAHID ALI
R/O VILL- NO. 1 KOSUTOLI, DIGARU N.C., P.S. SONAPUR
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

05.01.2024

Heard Mr M Ahmed, learned counsel for the petitioner, Mahibul Ali.

2. The petitioner, Mahibul Ali has filed this application under Section 439 CrPC, with prayer for bail as he is behind bars since 20.11.2023, in connection with Kharupetia PS

Case No. 214/2023, under Section 20 (b) (ii) (B) of the NDPS Act.

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

4. The allegation against the petitioner is that he was caught red-handed while carrying 10.175 kgs of ganja.

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 petitioner.

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

7. Indeed, there are incriminating materials in the Case Diary against the petitioner. However, investigation has progressed to a considerable extent.

8. It appears that further custodial detention of the petitioner for the progress of investigation may not be required. The petitioner is a local resident and he has pledged to cooperate with the investigation as well as the trial.

9. Considering all aspects and in view of my foregoing discussions, 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, Darrang, Mangaldoi, under the condition that-

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

9. Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant