

GAHC010283442023



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

Case No. : Bail Appln./4599/2023

ANAR ALI @ ANOWAR ALI
S/O LATE ANJAD ALI
R/O SUNARTARI
P.S. TARABARI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

02.02.2024

Heard Mr N J Dutta, learned counsel for the petitioner, Anar Ali @ Anowar Ali.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail, as he is behind bars since 10.12.2023, in connection with Basistha PS Case No. 775/2023, under Section 21(b) of the NDPS Act.

3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam.
4. I have considered the submissions at the Bar with circumspection.
5. It is submitted on behalf of the petitioner that he is an addict.
6. On the contrary, the learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary, against the petitioner. The petitioner is a drug trader. Intermediate quantity of heroin weighing 25.5 grams along with container was recovered from his conscious possession.
7. I have scrutinized the Case Diary.
8. The petitioner has been behind bars for 54 days.
9. Investigation is almost complete.
10. I have considered the submission that the petitioner is willing to cooperate with the trial. The petitioner is willing to abide by any bail conditions, if imposed upon him.
11. 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 jurisdictional Court, under the conditions that:-
 - i) the petitioner shall refrain from such activities with which he is alleged,
 - ii) the petitioner shall not leave the jurisdiction of the Court without

prior written permission, till completion of trial,

iii) the petitioner shall not influence the witnesses or tamper with the evidence, and

iv) the petitioner shall not jump the bail.

On breach of any bail conditions, bail order shall stand cancelled.

12. Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant