

GAHC010285532023



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

Case No. : Bail Appln./4600/2023

SADDEK ALI @ SADEK ALI
S/O LATE JIYAR ALI
PERMANENT RESIDENT OF
VILL- KEKANKUCHI
P.S. MUKALMUA
DIST. NALBARI, ASSAM
PIN-781126

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 11.01. 2024

Heard Mr. Z. Hussain, learned counsel for the petitioner, Saddek Ali @
Saddek Ali.

The petitioner has filed this application under Section 439 Cr.P.C. with

prayer for bail as he is in jail since 18.11.2023 in connection with Mukalmua P.S. Case No. 564/2023 under Section 21(b) of the NDPS Act.

Also heard Mr. D.P. Goswami, learned Addl. Public Prosecutor for the State respondent.

The learned Addl. PP has submitted that the case diary has been forwarded without FSL report.

The FIR unfolds that 21 plastic containers were recovered from his left trousers pocket weighing 27.02 grams, suspected to be narcotic substance, which was seized in presence of the independent witnesses.

The learned Addl. PP has raised objection stating that there are incriminating materials against the accused petitioner in the case diary.

I have perused the case diary.

I have considered the submissions at the Bar.

The petitioner has been behind the bars since 18.11.2023 for last 55 days and investigation has substantially progressed to a considerable extent. The petitioner is a local resident and he is ready to co-operate with the investigation as well as the trial.

Considering the submission of the learned counsel for the petitioner, the petitioner be enlarged on bail on furnishing a bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nalbari under the following conditions that:-

1. the petitioner shall refrain from such activities with which he is alleged,
2. the petitioner shall not default appearance and appear

regularly,

3. the petitioner shall not leave the jurisdiction of the Court without prior permission from the jurisdictional Court, till completion of investigation.

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

Bail application stands disposed.

Return the case diary.

JUDGE

Comparing Assistant