

GAHC010286272023



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

**Case No. : Bail Appln./4579/2023**

MAHIBUL RAHMAN  
S/O LATE FAJAL ALI  
R/O HATIGAON KANAKLATA PATH NAGAR,HOUSE NO. 62, P.S.HATIGAON  
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR F HAQUE**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**  
**ORDER**

**24.01.2024**

Heard Mr F Hoque, learned counsel for the petitioner, Mahibul Rahman.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail, as he is behind bars since 30.11.2023, in connection with Basistha PS Case No. 744/2023, under Sections 21(b)/29 of the NDPS Act, 1985.

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

4. I have considered the submissions at the Bar, with circumspection.
6. It is submitted at the Bar that charge sheet has not been submitted against the petitioner, who is behind bars since 30.11.2023.
7. The investigation may have presumably progressed to a considerable extent.
8. I have considered the submission that the petitioner being a local resident is not a flight risk.
9. It is also submitted that the petitioner shall abide by any bail conditions imposed upon him.
10. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/- with a suitable surety of the like amount to the satisfaction of the learned trial Court, under the conditions that:-

- i) the petitioner shall refrain from such activities with which he is alleged, and
- ii) the petitioner shall not leave the jurisdiction of the Court without prior permission, till completion of trial, and
- iii) the petitioner shall not tamper with the evidence.

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

15. Bail Application stands disposed of.

**JUDGE**

**Comparing Assistant**