

GAHC010287382023



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

Case No. : Bail Appln./4591/2023

AHEDUR RAHMAN
S/O TAJER ALI
R/O VILL, P.O. AND P.S. MUKALMUA
DIST. NALBARI, ASSAM
PIN-781126

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

24.01.2024

Heard Mr M Hussain, learned counsel for the petitioner, Ahedur Rahman.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail, as he was arrested on 28.07.2023, in connection with Hajo PS Case No. 490/2023, under Sections 22(c)/29 of the NDPS Act, read with Section 28(A) of the Drugs and Cosmetics Act.

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 that charge sheet has not been laid against the present petitioner. The petitioner is behind bars for 181 days. The petitioner has prayed for default bail under Section 167 (2) of the CrPC.

7. 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 Special Judge (NDPS), Kamrup at Amingaon, under the conditions that:-

- i) the petitioner shall refrain from such activities with which he is alleged,
- ii) the petitioner shall not tamper with the evidence or try to influence the witnesses, and
- iii) the petitioner shall not jump the bail.

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

8. Bail Application stands disposed of.

JUDGE

Comparing Assistant