

GAHC010293842023



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

Case No. : Bail Appln./13/2024

SAHIB AKTAR AND ANR
S/O AMIR MIAH, RANGAMATI, SONAMURA, P.S.-SONAMURA,
SEPAHIJALA, TRIPURA-799131

2: JUWEL HOSSAIN
S/O JAKIR HOSSAIN
RANGAMATI
SONAMURA
P.S.-SONAMURA
SEPAHIJALA
TRIPURA-79913

VERSUS

THE STATE OF MIZORAM
REPRESENTED BY THE PUBLIC PROSECUTOR, MIZORAM

Advocate for the Petitioner : MRS. R RONGMEI

Advocate for the Respondent : PP, MIZORAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

24.01.2024

Heard Ms R Rongmei, learned counsel for the petitioners, 1) Sahib Aktar and 2)
Juwel Hossain.

2. Both the petitioners have filed this application under Section 439 CrPC, with prayer for bail, as they are behind bars for 180 days, since 28.07.2023, in connection with Excise Case No. Ex-N-209/2023, under Section 21 (c) of the NDPS Act, 1985.
3. Heard Mr A Kalita, learned Additional Advocate General, Mizoram.
4. Case Diary is not received, nor could the instructions be procured relating to the stage of investigation.
5. I have considered the submissions at the Bar with circumspection.
6. It is submitted on behalf of the petitioners that the petitioners have been allegedly apprehended with commercial quantity of heroin, but the petitioners have been languishing in jail for 180 days and they are entitled to default bail as per Section 167(2) of the CrPC.
7. Considering the submissions of both sides, petition is allowed. The petitioners are enlarged on bail of Rs. 1,00,000/- each with a suitable surety each of the like amount to the satisfaction of the learned Special Judge, Aizawl, under the conditions that:-
 - i) the petitioners shall refrain from such activities with which they are alleged,
 - ii) the petitioners shall not tamper with the evidence or try to influence the witnesses, and
 - iii) the petitioners 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