GAHC010126842020

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

**Case No. : Bail Appln./1855/2020**

JAHANGIR ALOM
S/O LT. ABUL KALAM AZAD, R/O SUNARUGURI P.S. KACHUA, DIST. NAGAON, 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**
**HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

**ORDER**

**Date : 08-12-2020**

Heard Mr. F Hoque, learned counsel appearing for the petitioner and Mr. NK Kalita, learned Additional Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Jahangir Alom** has prayed for granting bail in connection with **Kachua P.S. Case No. 94/2020 ( GR No.2566/2020)** under Section 21 ( c) of the NDPS Act.

Case diary, as called for, is received.

Mr. F Hoque, learned counsel appearing for the accused petitioner, submits that the accused petitioner is behind the bar for 180 days since he was remanded on 12.06.2020 and as such, considering the length of detention, the accused petitioner may be directed to be released on bail.

Mr. NK Kalita, learned Addl.P.P. Assam submits that the petitioner is behind the bar for 180 days and investigation is yet to be completed and as such, he is entitled to be released on default bail.

The allegation in the FIR is that on 08.06.2020 at 5 pm, while the informant Police Officer was performing patrolling duty, on the way, he searched a bag and recovered 88 numbers of bottles of 'AFD COUGH' cough syrup from a motorcycle in a plastic bag and during interrogation, the present petitioner confessed his involvement in the aforesaid crime.

Having heard the learned counsel of both sides and perusal of the case diary, it is seen that investigation is yet to be completed despite the accused has gone through the statutory period of detention under Proviso to Section 36 (4) of the NDPS Act and as such considering the length of detention, prayer for bail of the accused petitioner is granted.

Therefore, it is provided that the accused petitioner, named above shall be released on bail of **Rs.1,00,000/- ( Rupees One Lakh)** with one surety of the like amount to the satisfaction of the learned **Special Judge, (NDPS Act) , Nagaon** subject, of course, to the following conditions:

1. That the accused shall co-operate in the investigation as and when required;

2. That the accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts either to the Court or to any police officer;

3. That the accused shall not commit any similar offence, of which he is suspected of commission; and

4. That the accused and his bailor shall produce the original Voter Identity Card/ Passport/Permanent Residential Certificate, whatever is available at the

time of submission of the bail bond for satisfaction of the learned Court below as to his identity and permanent address and then return the same retaining scanned /photocopy thereof on record.

Return the case diary.

With the above directions, the bail application stands disposed of.

**JUDGE**

**Comparing Assistant**