GAHC010162712020

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

Case No. : Bail Appln./2488/2020

MD. JAMALUDDIN
S/O MD. JALALUDDIN, R/O VILL-UDMARI, P.S.-JURIA, DIST-NAGAON (ASSAM), PIN-782124

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B M CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 21-12-2020

Heard Mr. B.M. Choudhury, learned counsel for the applicant. Also heard Mr. H. Sarma, learned Addl. P.P. Assam appearing for the State.

By filing this application under Section 439 Cr.P.C. the applicant has approached this Court

for the second time seeking his release on bail.

The applicant was arrested on 18-08-2020 in connection with Uluani P.S. Case No. 67/2020 registered under Section 22(c) of the NDPS Act, 1985 and since then, he has been in custody.

Mr. Choudhury submits that there has been no recovery of narcotic substance from the applicant but his arrest was made solely on the basis of statement of co-accused. Therefore, submits Mr. Choudhury, considering the length of detention, which is 126 days as on date, the applicant be released on bail.

Mr. Sarma submits that the Case Diary as well as the FSL report could not be produced before this Court as the records were not readily available.

After perusal of the materials available on record, I find that 254 grams of heroin was allegedly recovered from the co-accused and as per the statement of the co-accused, the applicant is said to be connected with the incident.

Mr. Choudhury has produced a copy of the order dated 06-10-2020 passed in B.A. No. 1636/2020 to submit that chances of conviction merely on the basis of statement of the co-accused is very minimal. Therefore, this is a fit case to enlarge the applicant on bail.

After hearing the submission of learned counsel for the parties and considering the length of detention already undergone by the applicant, I deem it appropriate to allow the prayer made in this bail application.

As such, the applicant *viz.* Md. Jamaluddin is directed to be released on bail on furnishing bond of Rs. 25,000/- (Twenty Five Thousand) with two local sureties of like amount to the

satisfaction of the Special Judge, Nagaon.

It is also made clear that the learned Special Judge, Nagaon would be at liberty to impose any additional condition(s) for release of the applicant on bail.

Bail application stands disposed of.

JUDGE

GS

Comparing Assistant