GAHC010166422020

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

Case No. : Bail Appln./2553/2020

NURJAHAN BEGUM
W/O JAMALUDDIN, R/O VILL-(DASPARA) MAHABIR PATHAR, P.S.-CHHAYGAON, DIST-KAMRUP(ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

08-12-2020

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Nurjahan Begum,** in connection with **Chhaygaon Police Station Case No. 1020/2020**, registered **under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985**.

I have perused the petition including the copy of the FIR and the documents annexed therewith.

The case diary produced has been perused.

Heard Mr. A. Ahmed, learned counsel appearing for the petitioner and Mr. N.J. Dutta, learned Additional Public Prosecutor, appearing for the State.

The learned counsel for the petitioner has submitted that the accused-petitioner was arrested

on 17-10-2020 and since then he has been in custody for a period of 53 days as on date. On the other hand, the petitioner has denied of having possessed the seized contraband; rather, claimed the same as possessed by her husband, in her statement made during investigation.

As per the seizure list, as available in the case diary, the quantum of seized suspected contraband is 8.340 grams.

That being so, as per the schedule to the NDPS Act, the contraband falls within the category of greater than small, and lesser than commercial quantity; therefore, the statutory period for completion of investigation of a case of present nature is 60 days. The petitioner has been in custody for a period of 53 days. The materials in the case diary, particularly, the note of the Investigating Police Officer shows that the Investigating Police Officer was transferred to another police station on 26-11-2020, therefore, there is no investigation carried out in this case after 26-11-2020. It does not also appear from the case diary that investigation has been entrusted to other Investigating Police Officer. Therefore, it is unlikely that the investigation will be completed within another 7 days. Whatever it may be, considering the length of detention and the materials collected during investigation, so far carried out, the petitioner is granted bail.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of **Rs.20,000/-** with **two suitable sureties,** each of the like amount, to the satisfaction of learned Special Judge, Kamrup, Amingaon.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned Special Judge Kamrup, Amingaon, without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 to the Court or to any police officer.

The learned Special Judge Kamrup, Amingaon shall be at liberty to put any other condition while releasing the petitioner on bail.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant