

GAHC010177372019



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

Case No. : Bail Appln. 2121/2019

1:SADU ALI
S/O LATE MARTUSH ALI, VILL-NO. 3 SIKANMATI, P.S.-DALGAON, DIST-
DARRANG, ASSAM, 784115

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR J ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 31-07-2019

Heard Mr. J Islam, learned counsel for the accused petitioner. Also heard Mr. N.J Dutta, learned Additional Public Prosecutor, Assam, appearing on behalf of the State.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Sadu Ali**, has prayed to release on bail, in connection with **Dalgaon PS Case No. 218/2019** under Section 20B of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. J Islam, learned counsel for the accused petitioner submits that the total 3 (three) persons were identified and a total 14.335 Kgs of Ganja was seized out of their possession. One plastic bag containing 10.415 Kgs of suspected Ganja was allegedly recovered out of the

possession of the present accused which falls within the intermediate quantity, that is, below the commercial quantity and above the small quantity, under the NDPS Act, for which the statutory period of detention is 60 days, whereas the accused has already completed 70 days in custody.

Mr. N.J. Dutta, learned Addl. Public Prosecutor, Assam fairly submits that considering the length of detention, the bail application of the accused may be considered subject to stringent conditions.

Having considered the above submissions made by learned counsel for both the sides and on being satisfied that the seized Ganja falls within the intermediate quantity, that is, above small quantity and below commercial quantity under the NDPS Act and the length of detention, this Court is of the view that if the liberty of bail is granted to the accused, further investigation is unlikely to be adversely affected.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 50,000/-** with one surety of like amount to the satisfaction the learned Special Judge (NDPS Act), Darrang at Mangaldoi, subject, of course, to the following conditions:

1. That the accused petitioner shall co-operate in the investigation as and when required; and
2. That the accused petitioner 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 petitioner shall not commit an offence similar to the offence, of which he is suspected of commission.

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

JUDGE

Comparing Assistant