

GAHC010003512020



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

Case No. : Bail Appln. 88/2020

1:EKRAMUL HOQUE @ ISLAM
S/O HATIM ALI, R/O VILL-BAGULAMARI, P.S.-DHUBRI, DIST-DHUBRI,
ASSAM

VERSUS

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

Counsel for applicant : Mr. A Ahmed
Counsel for respondent : Mr. NJ Dutta
Additional Public Prosecutor, Assam

BEFORE
HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA

30.03.2020

Ekramul Hoque @ Islam has filed this application for bail under Section 439 of the Code of Criminal Procedure in Dhubri PS Case No.1524/2019 registered under Section 22(c) of NDPS Act.

2. The Court proceedings have been conducted by means of creating a Virtual Court with the help of technology, so as to maintain distance between the staff, Advocates and the Presiding Judge.

3. I have heard Mr. A Ahmed, learned counsel for the applicant and Mr. NJ Dutta, learned counsel for the prosecution.

4. As per the accusations in the FIR, 432 capsules of SPSPHEN+ and 24 bottles of Ownrex cough syrup have been recovered.
5. It is not in dispute that the statutory period of 180 days has already elapsed while the applicant has been in custody. Learned counsel for the prosecution has further informed the Court that despite several reminders, the FSL report has not been received.
6. Considering the totality of facts and circumstances of the case, at this point in time, it is not even known as to what is the quantity of psychotropic substance that has been recovered.
7. Application is allowed.
8. It is directed that the applicant, namely Ekramul Hoque @ Islam be released on bail on his furnishing bail bonds to the satisfaction of the Special Judge, Dhubri.
9. Heavy surety.
10. It is made clear that in case the applicant influences any witness or delays the process of investigation or trial, the prosecution would be at liberty to seek cancellation of the bail.
11. Let copy of this order be provided under the signatures of the Court Master.

CHIEF JUSTICE

Comparing Assistant