

GAHC010035382020



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

**Case No. : Bail Appln. 470/2020**

1: SADDAM ALI AND ANR.  
S/O TAMSHER ALI, R/O GASHBARI, P.S.-MANGALDAI, DIST-DARRANG  
(ASSAM)

2: HANIF ALI  
S/O LATE JAHORUDDIN ALI  
R/O NO. 2 KACHUTALI  
P.S.-SONAPUR  
DIST-KAMRUP (ASSAM)

VERSUS

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

**Advocate for the Petitioner** : MS. M MALLIK

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE MIR ALFAZ ALI**

**ORDER**

**Date : 28-02-2020**

This application under Section 439 Cr.PC, has been filed praying for bail of the petitioners, namely, 1. Saddam Ali and 2. Hanif Ali, who are in detention in connection with Mangaldoi PS Case No. 027/2019 (GR No. 3947/2019) under Section 22(C) NDPS

Act.

Heard Ms. M. Mallik, learned counsel for the petitioners and Mr. T.K. Misra, learned Addl. P.P. for the respondent.

The case diary called for is not received.

It is submitted that the petitioners have been in custody for 61 days.

Though the case was registered under Section 22(C) of the NDPS Act, from the FIR, it appears that the contraband seized from the possession of the petitioners was not of commercial quantity, but it was more than small and lesser than commercial quantity, which will attract the provision of Section 22(B) NDPS Act, and therefore, the statutory period is 60 days.

In view of the above, the petitioners are allowed to be enlarged on bail of Rs. 20,000/- each with one suitable surety each of the like amount to the satisfaction of the learned CJM, Darrang, Mangaldoi, subject, of course, to the following conditions:

1. The accused petitioners shall co-operate in the investigation as and when required;
2. The accused petitioners 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. The accused petitioners shall not commit any similar offence, of which he is accused or suspected commission.

Bail application is disposed of.

**JUDGE**

**Comparing Assistant**