

GAHC010264972022



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

**Case No. : Bail Appln./3606/2022**

DILBAR BHUYAN AND ANR  
S/O BASER BHUYAN  
R/O GORAIMARIGAON (PALHAJI)  
P.S. AND DIST. BARPETA, ASSAM

2: MOHIBUL ISLAM  
S/O KALU MIYA  
R/O GORAIMARIGAON (PALHAJI)  
P.S. AND DIST. BARPETA  
ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR S HOQUE**

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

**BEFORE  
HON'BLE MRS. JUSTICE MALASRI NANDI  
ORDER**

**28.12.2022**

Heard Mr S Hoque, learned counsel for the petitioner and Mr B Gogoi, learned Additional Public Prosecutor for the State of Assam.

By filing this application under 439 CrPC, the accused petitioners, 1) Dilbar Bhuyan and 2) Mohibul Islam, have prayed for bail, who have been arrested on 04.11.2022, in connection with Garchuk PS Case No. 315/2022, under Section 21 (b) of the NDPS Act.

It is submitted by learned counsel for the accused petitioners that nothing has been recovered from the possession of the accused petitioners. However, the seized contrabands were seized from the possession of another accused person, namely, Anisur Rahman.

The allegation against the accused petitioners is that the arrested accused, Anisur Rahman stated that the present petitioners were involved in this case as he purchased the said drugs from one of the petitioners, i.e., Dilbar Bhuyan.

It is also submitted by the learned counsel for the petitioners that the petitioners have been detained in judicial custody since 04.11.2022 and they have completed 55 days in jail hazot. As such, he has prayed that the bail prayer made on behalf of the petitioners may be accepted.

On the other hand, learned Additional Public Prosecutor has also raised no objection on the prayer made on behalf of the petitioners.

The Case Diary is received. I have perused the same.

The Investigating Officer has failed to collect any other incriminating material against the present petitioners, except the statement of the accused, Anisur Rahman that he purchased the seized drugs from the petitioner, Dilbar Bhuyan.

Considering the submissions made by the learned counsel for both the parties as well as period of detention, the bail prayer made on behalf of the petitioners is accepted. Accordingly, it is provided that on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each, only, with two sureties of like amount to the satisfaction of the learned Special Judge, Kamrup (Metro), the accused petitioners, namely, 1) Dilbar

Bhuyan and 2) Mohibul Islam, who have been languishing in jail hazot, since 04.11.2022, in connection with Garchuk PS Case No. 315/2022, under Section 21 (b) of the NDPS Act, be enlarged on bail.

The bail application stands disposed of.

Send back the case diary.

**JUDGE**

**Comparing Assistant**