

GAHC010158052023



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

Case No. : Bail Appln./2661/2023

NASIR UDDIN
S/O LT. ABDUL HANNAN, VILL-PANIGHAT, P.S.-PATHARKANDI, DIST-
KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 31.08.2023

Heard Mr. H. R. Choudhury, learned counsel appearing for the accused petitioner as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Nasir Uddin**, has prayed for grant of bail in connection with **Special NDPS Case No. 67/2021** (Patharkandi P.S. Case No. 404/2021) under Sections **22(c)/29** of the NDPS Act.

The scanned copy of the case record, as called for, is placed before the Court.

The accused petitioner has been in judicial custody since 06.02.2022, i.e. for 881 days.

The matter relates to recovery and seizure of WY Tablets (suspected to be drugs), weighing 2.82 kgs, from the possession of the FIR named accused person.

On perusal of the case diary, it appears that there is *prima facie* sufficient incriminating material against the accused petitioner subject, of course, to final outcome in investigation.

However, having considered the length of detention in judicial custody, this Court is of the considered opinion that further continuation of detention of the accused in the interest of investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 1 Lakh** with two sureties of like amount to the satisfaction of the **learned Special Judge (NDPS Act), Karimganj** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and
- ii) 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 to the Police Officer or the Court; and

- iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is suspected of commission.

Any breach of the above conditions shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant