

GAHC010255972023



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

**Case No. : Bail Appln./4131/2023**

MOSTAFIZUR RAHMAN  
S/O LATE ALHAJ NURUL ISLAM  
R/O JORDANGA PART-I,  
P.S. MANKACHAR  
DIST. SOUTH SALMARA, ASSAM

VERSUS

THE STATE OF ASSAM  
TO BE REP BY THE PP, ASSAM

**Advocate for the Petitioner : MR H R A CHOUDHURY**

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

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**22.12.2023**

Heard Mr. HRA Choudhury, learned senior counsel for the accused-petitioner. Also heard Mr. B Sarma, learned Additional Public Prosecutor, Assam appearing for the State respondents.

This is an application under Section 439 of the Cr.PC., seeking for bail of the accused-petitioner, namely, ***Mostafizur Rahman***, in connection with ***Mankachar P.S. Case No. 152/2023*** under Section 22(C) of the NDPS Act, 1985.

It is submitted by the learned senior counsel for the accused petitioner that the accused-petitioner has been in custody since 23.09.2023 and nothing was recovered from his possession and the contrabands were seized from an abandoned car.

The Additional Public Prosecutor, Assam has produced the case diary and submits that there are two seizure lists available in the case diary. One seizure list reveals that the Investigating Officer seized the narcotics substance on 12.04.2023, but it is not reflected from whom the said narcotic substances were recovered. Another seizure list is dated 28.03.2023 from which it reveals that some contraband/prohibited psychotropic substances were recovered from an abandoned Bolero Vehicle. The learned Additional Public Prosecutor further submits that although the charge sheet had been submitted, but the investigation is still going on and as the petitioner has been detained in custody for more than 90 days, the prayer for bail of the petitioner may be considered.

I have considered the submissions of the learned counsel for the parties and also perused the case diary.

Considering the above as well as the length of detention of the accused-petitioner in custody, this Court is of the view that further custodial interrogation of the accused petitioner, in the interest of investigation, is not necessary. Therefore, the accused petitioner is granted bail.

Accordingly, the accused petitioner, named above, shall be released on bail

in connection with the aforementioned P.S. Case on furnishing a bail bond of Rs. 1,00,000/- (Rupees One Lakh) only with two suitable sureties of the like amount, to the satisfaction of the learned Special Judge, South Salmara Mankachar, subject to the following conditions that the accused petitioner:

- (a) shall not leave the territorial jurisdiction of Special Judge, South Salmara Mankachar, without prior written permission from him;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case; and
- (c) 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 Court or to any police officer.

The bail application, accordingly, stands disposed of.

Send back the case diary.

**JUDGE**

**Comparing Assistant**