

GAHC010000232024



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

**Case No. : Bail Appln./16/2024**

ANSER ALI  
S/O LATE RASID MULLAH  
R/O VILL- NO. 2 BHANDARA,  
P.S. MANIKPUR,  
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR N AHMED**

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

**BEFORE  
HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**12.01.2024**

Heard Mr. N. Ahmed, learned counsel for the accused and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Anser

Ali, who has been languishing in jail hazot since 24.11.2023, in connection with Manikpur P.S. Case No.212/2023, under Section 21(b)/29 of the NDPS Act, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Jayashree Devi, WSI(P) of Manikpur P.S. on 24.11.2023. The essence of allegation made in the aforesaid FIR is that acting on a tip off the informant and other police staff conducted search in the house of one Anser Ali and recovered 8 gm of suspected heroin with container.

4. Mr. Ahmed, learned counsel for the accused, submits that the accused was arrested on 24.11.2023 and since then he has been languishing in jail hazot and that quantity of contraband substance recovered from the possession is only 8 gm with container, which is less than a commercial quantity and that he is behind the bar for more than 50 days and therefore, Mr. Ahmed contended to allow the accused to go on bail.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, submits that after completion of investigation, the I.O. laid charge-sheet, being charge-sheet No.188/2023 dated 30.12.2023 under Section 21(b)/29 of the NDPS Act against the present accused.

6. Having heard the submission of learned Advocates for both the sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional P.P.

7. It appears that the accused was arrested on 24.11.2023 and since then he has been languishing in jail hazot. Further, it appears that the quantity of contraband substance allegedly recovered from the possession of the accused is 8 gm along with the container. Further, it appears that after completion of investigation, the I.O. has submitted charge-sheet, charge-sheet No.188/2023 dated 30.12.2023 against the accused under Section 21(b)/29 of the NDPS Act. Since charge-sheet has been submitted, the question of hampering the investigation or tampering witnesses does not arise and now trial will start and the accused has to prepare his defence.

8. Considering the above facts and circumstances, this Court is of the view that further custodial detention of the accused may not be required in the interest of investigation. And accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Special Judge, NDPS, Bongaigaon, the accused, namely, Anser Ali, be enlarged on bail.
9. In terms of above, this bail application stands disposed of. Case diary be returned.

**Sd/- Robin Phukan  
JUDGE**

**Comparing Assistant**