

GAHC010000142024



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

**Case No. : Bail Appln./26/2024**

MD. FARJUL HAQUE  
SON OF LATE SANDU SEKH, RESIDENT OF NEAR MAJID HERAPATTY,  
HAIBORGAON, POLICE STATION- NAGAON, POST OFFICE- NAGAON,  
DISTRICT- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. N N B CHOUDHURY

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

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 19-01-2024**

- 1.** Heard Mr. NNB Choudhury, learned counsel for the petitioner.
- 2.** The petitioner, namely, Md. Farjul Haque has filed this application under Section 439 Cr.PC with prayer for bail as he is behind bars since 21.11.2023 in connection with Bihpuria Police Station Case No. 222/2022 registered u/s 21(b)/29 of NDPS Act corresponding to G.R.

No. 1306/2022.

3. Heard Mr. B.B. Gogoi, learned Addl. P.P., Assam.
4. Scanned copies of the LCR were called for but the scanned copies are not received.
5. The learned Additional Public Prosecutor has raised objection that the bail petition cannot be considered without going through the LCR.
6. The learned counsel for the petitioner has submitted that the co-accused has already been enlarged on bail. Charge-sheet has been laid against the present petitioner u/s 21(b)/29 of the NDPS Act. The charge-sheet is marked as Annexure-2 of the petition.
7. I have perused the Annexure-2 of the petition. Charge-sheet has been laid against the petitioner and his co-accused u/s 21(b)/29 of the NDPS Act. I have considered the submission that the petitioner is willing to co-operate with the trial. The petitioner is a local resident and he is not a flight risk. I have also considered the bail petition on the ground of parity. I have also relied on the decision of Hon'ble the Supreme Court in **Kamaljit Singh v. State of Punjab and Another**, reported in **(2005) 7 SCC 226** wherein it has been observed that:-

*ORDER*

“1. Leave granted.

*2. Heard the counsel for the parties. In the facts and circumstances of the case we are of the view that it is an appropriate case in which the application of the appellant for grant of anticipatory bail ought to have been allowed, particularly when on similar allegations the remaining two accused have been granted the benefit of anticipatory bail. In these circumstances the appeal is allowed and the appellant is directed to be released on bail in the event of g arrest or surrender on his furnishing bail bonds to the satisfaction of the arresting officer or the Court, as the case may be, subject to the conditions laid down in Section 438 CrPC.*

8. In the light of the decision of Kamaljit Singh (supra) and after considering the submissions at the Bar, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned trial Court.
9. The learned trial Court may impose condition for securing attendance of the petitioner.

**JUDGE**

**Comparing Assistant**