

(2021) 05 GAU CK 0020

In the Gauhati High Court

Case No : Bail Application No. 1116 Of 2021

Jahrul Islam @ Md. Jeherul Islam

APPELLANT

Vs

State Of Assam

RESPONDENT

Date of Decision : 27-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 22(a)

Citation : (2021) 05 GAU CK 0020

Hon'ble Judges : Kalyan Rai Surana, J

Bench : Single Bench

Advocate : A Mannaf

Final Decision : Allowed

Judgement

Heard Mr. A. Mannaf, learned counsel for the petitioner as well as Mr. N.K. Kalita, learned APP for the State.

By this application under section 439 Cr.P.C., the accused-petitioner, namely, Jahrul Islam @ Md. Jeherul Islam is seeking bail in connection with

NDPS P.S. Case No.52/2013 registered under section 22(a) of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner had violated the conditions of the bail and absented during the trial and accordingly the learned trial Court i.e. the learned Additional

Sessions Judge No.1, Kamrup (Metro), Guwahati by order dated 28.04.2021 ordered his arrest and he has been taken in custody. The case projected

in this application is that the petitioner had appeared till 01.08.2018 and thereafter failed to appear and accordingly, by order dated 03.10.2018 NBW

was issued against him. However, the petitioner voluntarily appeared before the learned trial Court and surrendered on 28.04.2021 and since then he is

in custody.

The learned APP has opposed the prayer for bail on the ground that the petitioner had delayed the trial of case under section 22(a) of the NDPS act

for more than 3(three) years.

Taking note of the recent conduct of the petitioner that he had already surrendered before the learned trial Court, the Court is inclined to release the

petitioner, namely, Jahrul Islam @ Md. Jeherul Islam in connection with NDPS P.S. Case No.52/2013 on furnishing a bail bond of Rs.20,000/-

(Rupees twenty thousand only) with 2(two) surety of like amount to the satisfaction of the learned Additional Sessions Judge No.1, Kamrup (Metro),

Guwahati.

The above bail order shall, however, be subject to the following conditions:

1) That the accused-petitioner shall not leave the territorial jurisdiction of the aforesaid Court, without prior written permission from the Investigating

officer of the case;

2) 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 Court,

3) He shall attend all the dates of trial and in the event of any default of any appearance on taking steps it would be open to the learned trial Court to

secure his appearance by further coercive steps of arresting him till the conclusion of the trial.

With the aforesaid conditions, this bail application stands allowed.