

Bail application No. 605/2022

Laharighat P.S. case No. 350/2022

26.10.2022

Present: Shri S.K. Poddar

Special Judge

Morigaon

Learned advocate for the accused/petitioner is present.

Called for CD is received. Perused the same.

This is a petition filed u/s 439 Cr.P.C. for granting bail to accused Saddam Hussain who is in jail custody since 19.09.2022 in connection with Laharighat P.S. case No. 350/2022 u/s 21(a)/29 NDPS Act. Heard both the sides.

During hearing learned advocate for the accused/petitioner has submitted that accused is in judicial custody since 19.09.2022 for alleged possession of 3.5 gms of suspected heroin. It is also submitted that the seized heroin was of small quantity. It is further submitted that in the seizure list, recovery was shown from the joint possession of both the accused persons but in fact nothing was recovered from the possession of accused Saddam Hussain. On the other hand, learned P.P., Morigaon by referring to the bail objection submitted by the I/O has objected in granting bail.

FIR dated 18.09.2022 lodged by WSI(P) Tarali Bora discloses that having some secret information accused Inamul Hussain and Saddam Hussain were apprehended and police could recover 29 nos of plastic containers filled with suspected heroin and

the net weight of the seized articles was found to be 3.5 gms and police seized the same from the possession of both the accused persons.

On going through the case diary, it appears that accused is in judicial custody since 19.09.2022, investigation has been progressed sufficiently and now case is pending for receipt of FSL report. Considering the quantity of the seized drug, period of detention of about 37 days and progress of investigation, I am of the opinion that further custodial investigation might not be required in this case and as such, prayer for bail is allowed.

Accused Saddam Hussain is allowed to go on bail on execution of a bond of Rs. 15,000/- with one surety of the like amount to the satisfaction of learned Eleka Magistrate with the following condition:-

(i) That the accused shall not commit any similar offence of which he is accused of;

(ii) That the accused shall not dissuade any witness and hamper investigation.

Send back the CD with a copy of this order to O/C Laharighat P.S.

Also send a copy of this order to learned CJM, Morigaon for information.

Bail petition stands disposed of.

