

**I.A. (Bail) No. 42 of 2021**

(Moirabari P.S. Case No. 23/2021)

**14.06.2021**

**Present: Shri S.K. Poddar**  
**Special Judge, Morigaon**

Regular Court work paralyzed due to Covid-19 pandemic.

Learned Advocate for the accused-petitioner is present. Learned Spl. Public Prosecutor is also present on behalf of the State of Assam.

Called for CD is received. Perused the same.

This application is filed under Section 439 Cr.P.C. praying for granting bail to the accused-petitioner namely Atiqul Islam, who is in jail custody since 17.01.2021, in connection with Moirabari PS Case No. 23/2021, registered u/s 21(c)/29 of NDPS Act.

Heard learned counsel for the accused-petitioner and learned Public Prosecutor.

During hearing on the bail petition, learned counsel for the accused-petitioner has submitted that accused Atiqul Islam is in judicial custody since 17.01.2021 and thus almost completed 148 days in jail and prayed for granting bail on the ground of period of detention. On the other hand learned Public Prosecutor by referring to the bail objection submitted by S.I. Mridul Hazarika, I.O. of this case, has submitted that in this case accused was apprehended with 194 bottles of 100 ml each containing Codeine Phosphate along with some banned tablets from the lemon garden of Rezauddin.

F.I.R. dated 16.01.2021, lodged by S.I. Ramen Borah of Moirabari PS discloses that, basing on a secret information raid was conducted at the residence of Rofiqul Islam and thereafter from the lemon garden of Rezauddin two cartons with 194 bottles of 100 ml each cough syrup containing suspected Codeine Phosphate were recovered. Atiqul Islam also laid to recovery of 72 numbers Spascore-von plus tablets from the house of Mofidul Islam. Atiqul Islam was also connected with this business.

I have considered the submissions of both the sides and gone through the CD.

On going through the CD it appears that, during investigation I.O. has collected sufficient incriminating materials against accused Atiqul Islam

along with others showing his involvement in trafficking and illegal possession of 194 bottles of 100 ml each cough syrup containing suspected Codeine Phosphate which amounts to 19.4 Kg of Codeine. This quantity is a commercial quantity.

Considering above materials on record and the bar created u/s 37 of NDPS Act, I am of the opinion that it is not a fit case for granting bail to accused Atiqul Islam at this stage only on the ground of period of detention. As such, prayer for bail stands **rejected**.

Send back the CD along with a copy of this order.

Bail petition is **disposed** of.

A true copy of this order be given to the party/engaged counsel under the signature of Bench Assistant to be treated as certified copy.

Special Judge,  
Morigaon