

GAHC010043082023



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

Case No. : Crl.Rev.P./95/2023

HABIB AHMED
S/O NOIMUL HAQUE
R/O VILL- KANAKPUR
P.S. NILAMBAZAR
DIST. KARIMGANJ

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:KAMLESH SINGH
S/O G. SINGH SUB -INSPECTOR
NILAMBAZAR POLICE STATION
DIST. KARIMGANJ
ASSA

Advocate for the Petitioner : MR. M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 03-05-2023

1. Heard Mr. A Ahmed, learned counsel for the petitioner, Habib Ahmed and Mr. P Borthakur, learned Addl. PP, appearing for the State.
2. The petitioner has filed an application under sections 397/401 read

with section 482 Cr.P.C with prayer for setting aside and quashing the order(s) dated 27.09.2022, 17.01.2023 and 30.01.2023 and all the subsequent orders till date whereby, the learned Sessions Judge, Kamrimganj issued summons and BWA against the petitioner in connection with Special NDPS Case No.122/2021 under sections 22(c)/25/29 of the NDPS Act corresponding to GR Case No.3617/2021 arising out of Nilambazar PS Case No.432/2021 under sections 22(c)/25/29 NDPS Act.

3. I have considered the submissions at the bar.

4. It is submitted on behalf of the petitioner that he has prayed for similar orders on the ground of parity as vide the order dated 26.10.2022 in Criminal Rev. Pet No.513/2022 and order dated 08.02.2023 in Crl. Pet no.94/2023, the petitioners Sujit Nath @ Sanjit Nath, Abdul Basit, Jabir Ahmed and Abdul Fatta were released on bail of Rs.25,000/- each in connection with this case. All the above named petitioners were also shown as absconders while charge sheet was laid against them in connection with this case. The present petitioner is also shown as absconder in the charge sheet.

5. The learned Addl. PP has raised objections stating that the petitioner did not cooperate with the investigation and there is every possibility that he will not cooperate with the trial. The petitioner is booked under a serious offence and charge sheet has been laid with allegation of transportation of commercial quantity of drugs.

6. The learned counsel for the petitioner has submitted that drugs were recovered from the custody of Samsul Noor and Abdul Basit. The petitioner is apprehending that he will be forwarded to custody and so he has prayed for bail on the ground of parity. It is also submitted on behalf of the petitioner that he was not named in the FIR and so he was not aware of this case against him.

7. I have considered the submissions that the petitioner is willing to cooperate with the trial.
8. The petitioner is directed to appear before the trial Court within 15 (fifteen) days from today and pray for regular bail, which will be considered by the trial Court as per the merits of the case.
9. Till then, no coercive action shall be taken against the petitioner.
10. In terms of the above, the instant petition stands disposed of.

JUDGE

Comparing Assistant