

GAHC010047592023



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

Case No. : Bail Appln./837/2023

RUKSHANA KHATUN
W/O MD. FAIJUL ISLAM
VILL- GUDAMGHAT MIRI
P.S. CHARIDUAR
DIST. SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS S P CHETRY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 22.06.2023

Heard Ms S P Chetry, learned counsel, appearing on behalf of the petitioner. Also heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

2. The petitioner, Smt Rukshana Khatun, who was arrested on 14.02.2022, has

preferred this application under Section 439 CrPC, seeking bail in connection with Mazbat PS Case No. 25/2023, under Sections 20(b)(ii)(c) of the NDPS Act.

3. The Investigating Officer, Mr Sushil Dhanowar is present for giving clarification with regard to the number of the seized vehicle which was subsequently changed to some other number. It is reported that actually the vehicle bearing No. AS12AA6943 was seized in connection with Mazbat PS Case No. 25/2023, but it was wrongly written in the seizure list as “vehicle bearing registration No. AS12AA6343”, which is incorrect. The presence of the Investigating Officer is dispensed with.

4. Learned counsel for the petitioner has submitted that though the petitioner is the owner of the vehicle bearing Registration No. AS12AA6943, but she had no knowledge regarding carrying of suspected cannabis in her vehicle. It is further submitted that the accused petitioner was arrested on 14.02.2023 and since then, she has completed 129 days in jail hazot. So, considering the detention of the petitioner, she may be released on bail.

5. On the other hand, learned Additional Public opposing to the bail prayer to the petitioner, has submitted that total 173 kgs of cannabis were recovered from the vehicle of the petitioner, i.e., vehicle bearing Registration No. AS12AA6943, which is of commercial quantity. The FSL Report also gave positive tests for cannabis. So, considering the severity of the offence, bail may not be granted to the petitioner.

6. I have considered the submissions made by the learned counsel for both the parties. I have also perused Case Diary, along with the FSL Report.

7. It appears from the record that the petitioner has employed one professional driver, namely, Amar Bahadur Newar, who was driving the vehicle on the date of the alleged incident, but till today, he has not been arrested.

8. According to the learned Additional Public Prosecutor, the petitioner has not disclosed the proper address of her driver, Amar Bahadur Newar, who carried the

suspected cannabis in her vehicle. So, he submits that there is every likelihood that the petitioner may be involved in the alleged offence and at this stage, bail may not be granted to the petitioner.

9. In view of the above, the bail prayer made on behalf of the petitioner stands rejected.

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant