

GAHC010071062023



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

Case No. : Bail Appln./1324/2023

MD. NAZIM UDDIN
S/O LATE ABDUL KHALIQUE
R/O VIL- SURJADAS
P.O. AND P.S. KARIMGANJ
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS N SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

30-06-2023

Heard Ms. N. Saikia, learned counsel for the petitioner and Mr. Bhaskar Sharma, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioner, namely, **Md. Nazim Uddin** is seeking bail in **Special (NDPS) Case No.50/2022** arising out of **Karimganj P.S. Case**

No. 211/2022 corresponding to G.R. No.657/2022 registered under Section 22(C) of the NDPS Act, 1985, where he is in custody since 25.03.2023.

As per the FIR of the case, on special tipoff that a large quantity of narcotic substances been carried towards Kaliganj side by one drug paddler belonging to Kaliganj area travelling in a Magic Truck, likely to deliver the consignment to other paddler. After making necessary entry in the General Diary, the police personnel from Karimganj Police Station made a naka checking and apprehended the truck concerned with the petitioner sitting on it. During the search, suspected Yaba tablets in two brown packets containing 94 black small packets were recovered weighing about 2.014 Kgs. Accordingly said Karimganj P.S. Case No. 211/2022 was registered and the petitioner was apprehended and taken into custody.

It is seen that after completion of investigation, Final Report/Charge-Sheet in said Karimganj P.S. Case No. 211/2022 was filed on 25.06.2022 finding prima facie case against the petitioner under Section 22(C) of the NDPS Act.

Earlier, the bail prayer of the petitioner was rejected by the learned Special Judge (NDPS), Karimganj-cum-Additional Sessions Judge, Karimganj.

Perused the records of Special (NDPS) Case No.50/2022 that was called for by the Court and on perusal of the same, it is found that the recovered Yaba tablets gave positive test for narcotic substance methamphetamine as per the FSL report.

The record also reveals that the petitioner was found sitting in the vehicle from which the narcotic substance was recovered and it was clarified by the owner of the vehicle that it was the petitioner, who was driving the said vehicle.

Case diary reveals that the petitioner was found alone in the said vehicle and further, it is available in the case diary that he was a driver of the said vehicle. These reveals that the petitioner had the knowledge regarding the presence of narcotic substance in the said vehicle, kept concealed in two brown packets containing 94 black small packets.

Considering such materials in the records regarding the involvement of the petitioner in the alleged crime, the Court is of the view that it is not a fit case to grant bail to the petitioner, namely, **Md. Nazim Uddin** in said Special (NDPS) Case No.50/2022 arising out of Karimganj P.S. Case No. 211/2022 corresponding to G.R. No.657/2022 registered under

Section 22(C) of the NDPS Act, 1985.

Accordingly, this bail application of the petitioner, named above, in said Special (NDPS) Case No.50/2022 arising out of Karimganj P.S. Case No. 211/2022 corresponding to G.R. No.657/2022 stands rejected.

JUDGE

Comparing Assistant