

GAHC010107182023



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

Case No. : AB/1878/2023

SIRAJUL HOQUE
S/O- AKKAS ALI, R/O- DHUPGURI, P.S. GOBARDHANA, DIST.- BAKSA,
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. A ALI

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

21/06/2023

Heard Mr. A Ali, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

The petitioner, namely, **Sirajul Hoque**, Son of Akkas Ali, resident of Dhupguri under the jurisdiction of Gobardhana Police Station, has filed this application under Section 438 Cr.P.C. seeking

pre-arrest bail apprehending his arrest in **Gobardhana P.S. Case No. 58/2023** registered under Section 353 IPC read with Section 22(b)/29 of the NDPS Act, 1985 corresponding to G.R. No. 356/2023.

Perused the case diary placed before the Court today by Mr. B Sarma, learned Additional Public Prosecutor, Assam.

As per the FIR of the case, on the night of 06.02.2023, on a specific information, a purple colour Baleno vehicle bearing registration No. AS-01-FH-8312 carrying large quantity of Narcotic Drugs including Heroin from Gobindapur towards Bortola side was apprehended. As per the specific information received, the commuters of the said Baleno vehicle carried such drugs along with arms (pistol) and they are involved in illicit trafficking of narcotic drugs. While the said vehicle was apprehended, the four commuters, who were in the said vehicle, tried to flee away, wherein one Md. Inamul Hoque and another Md. Billal Hussain could be apprehended and the other two commuters of the said vehicle managed to flee away. During the search, one Bisa Mia was also apprehended, who attacked one of the police personnel and tried to snatch away his arms and he was fired and later, admitted to the FAAMCH at Barpeta. All the three accused persons are in custody. During the search (i) one plastic packet containing suspected psychotropic substance weighing 10.62 gms., (ii) one plastic packet containing suspected psychotropic substance weighing 10.59 gms., (iii) one plastic packet containing suspected psychotropic substance weighing 20.65 gms., (iv) 7 plastic phials containing psychotropic substances total weighing 1.22 gms., (v) 3 nos. of mobile handset, (vi) the Baleno Car bearing registration No. AS-01-FH-8312 and (vii) 5 nos. of empty plastic phials were recovered and seized in presence of the witnesses.

Petitioner submitted that police was wrongly in search of him as if he is Sirajul Hoque, but the arrested co-accused of the case and the other independent witnesses identified the petitioner providing the detail address. Though, police went to the house of the petitioner, he is evading arrest and found to be the main accused of the case with regard to illegal trafficking of psychotropic substances.

Finding sufficient incriminating materials in the case diary against the petitioner with regard to his involvement in the alleged crime, the Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, namely, Sirajul Hoque in said Gobardhana P.S. Case No. 58/2023.

Accordingly, this pre-arrest bail application of the petitioner, Sirajul Hoque in said Gobardhana

P.S. Case No. 58/2023 stands rejected.

Return the case diary.

JUDGE

Comparing Assistant