

GAHC010117512023



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

Case No. : Bail Appln./1892/2023

HANIF ALI
S/O JAMAL UDDIN
VILL- ABRARBITA, P.S. BOGUAN
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS B GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

30/06/2023

Heard Ms. B Gogoi, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Hanif Ali**, son of Jamal Uddin, seeking bail in connection with **Special (Narcotic) Case No. 46(J)/2023** arising out of **Jogighopa P.S. Case No. 80/2023** presently pending before the Court of learned

Special Judge (NDPS), North Salmara, Abhayapuri under Section 18(b) of NDPS Act, wherein he was arrested on 23.02.2023 and since then he is in custody.

It is contended by the petitioner that he is no way connected with the case and placing the relevant land documents, the petitioner stated that he is not the owner or possessors of the said land.

Perused the relevant records which reveal that on a specific information that in Uchunga Char, some people were cultivating poppy and following the procedure, police personnel from Jogighopa Police Station along with the Revenue Personnel proceeded to the said Uchunga Char to take necessary legal action in the matter.

It is seen that initially in the land measuring 2 Kathas 12 Lechas at Dag No. 181 and Patta No. 54, poppy cultivation was made and that the said land belongs to one Jamal Uddin. After keeping some poppy for the FSL examination, the authorities destroyed the remaining making a videography of it. The villagers therein pointed out that there are some other places in the same char, where Jamal Uddin and his son cultivated poppy and police personnel were led to those areas and found another land covered by Dag No. 182 and Patta No. 54 measuring 1 Bigha 1 Katha 12 Lechas, wherein poppy cultivation was made in 1 bigha of land and seized 1kg. of opium and the remaining were destroyed by keeping its video photographs. In another plot of land of around 1 Bigha covered by Dag No. 109 of Patta No. 103, poppy cultivation was carried on by its pattadar Jamal Uddin and his son. Said plot of land was identified by the concerned Lat Mondal and the names of the concerned pattadars of those three parcels of land were also placed. Though, police tried to arrest the pattadars of those plots of land, Jamal Uddin escaped and evaded arrest but his son, the petitioner was taken into custody.

The FSL report is yet to be received and police after due investigation of the case submitted the charge-sheet in said Jogighopa P.S. Case No. 80/2023 against the present petitioner and his father, Jamal Uddin finding prima-facie case against them showing his father, Jamal Uddin as an absconder. The relevant records forwarded by the Special Court reflects that the land at Dag Nos. 181 Part, 182 Part of Patta No. 54 as well as land at Dag No. 109 Part of Patta No. 103 of Village-Uchunga Char, involved in the case, belong to the father of the petitioner, Jamal Uddin, where poppy cultivation were made by the petitioner with said Jamal Uddin and his family members.

Considering the materials available 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 bail to the

petitioner, namely, **Hanif Ali**, in said **Special (Narcotic) Case No. 46(J)/2023** arising out of **Jogighopa P.S. Case No. 80/2023**.

Accordingly, this bail application of the petitioner, Hanif Ali, in said **Special (Narcotic) Case No. 46(J)/2023** arising out of Jogighopa P.S. Case No. 80/2023 stands rejected.

JUDGE

Comparing Assistant