

GAHC010123552023



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

Case No. : AB/2025/2023

ALA UDDIN
S/O LATE TAIYAM ALI, VILL-SINGUAFULTALI SINGUA PART-II, P.O.-
BROJENDRAPUR, P.S.-RAMKRISHNAPUR, DIST-KARIMGANJ, ASSAM

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE C.G.C. AT GAUHATI HIGH COURT

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : SC, NCB

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 14.09.2023

Heard Mr. A. M. Barbhuiya, learned counsel for the petitioner. Also heard Mr. S. C. Keyal, learned Standing Counsel, NCB.

By this petition filed under Section 438 Cr.P.C., the petitioner, namely, **Ala Uddin**, has prayed for granting pre-arrest bail, apprehending arrest in connection with **NCB Crime Case No. 4/2023** registered u/s **8(c)**, r/w Sections **22(c)/29** of the NDPS Act corresponding to Special Narca P.S. Case No. 61/2022.

Mr. A. M. Barbhuiya, learned counsel for the petitioner, submits that the

present petitioner is shown as owner of an ALTO car belonged to one Muzibur Rahman by purchase and it was driven by his son Salim Uddin. Mr. Barbhuiya further submits that unfortunately, the Mizoram police recovered 19.213 Kgs. of Methamphetamine tablets from one passenger and in the aforesaid incident, the police arrested the passenger and the petitioner's son, who are presently lodged in Aizawl Jail. Thereafter, Mr. Barbhuiya submits, actual owner of the vehicle Muzibur Rahman filed a case before the Court of learned Special Judge, NDPS at Aizawl, praying for zimma, but the same was rejected. In this connection, Zonal Office of NCB at Guwahati issued two notices to the petitioner for appearance before the Investigating Officer and, as such, he is apprehending arrest if he appears before the Investigating Officer and, therefore, the instant petition for anticipatory bail has been filed.

Per contra, Mr. S. C. Keyal, learned Standing Counsel, NCB, while presenting the status report of the case, submits that this Court has no territorial jurisdiction to entertain the petition as the offence was committed in the State of Mizoram.

At this stage, Mr. Barbhuiya, learned counsel for the petitioner, while admitting that the alleged occurrence had taken place in Mizoram, this Court has territorial jurisdiction to entertain the instant anticipatory bail application as the NCB Zonal Unit at Guwahati has jurisdiction over Mizoram State and so also this High Court's Principal Seat.

The status report shows that 19.213 Kgs. of Methamphetamine tablets was recovered and seized from an ALTO vehicle at Luangmual, Aizawl, Mizoram from the joint possession of the petitioner's son and another on 10.11.2022 by the NCB. The chemical examination report on the sample of seized tablets gave positive tests for Methamphetamine and, as such, the seized quantity amounted to commercial quantity under the NDPS Act.

Section 177 Cr.P.C. provides that every offence shall ordinarily be inquired into

and tried by a Court within whose local jurisdiction it is committed. To speak it differently, the area, within which the offence is committed, is relevant to determine the territorial jurisdiction. In the instant case, as stated above, the entire offence(s) was committed within the jurisdiction of Aizawl Court, Mizoram and, as such, this Court located at Guwahati, Assam State has no jurisdiction to entertain the instant anticipatory bail application of the petitioner in absence of special authority either judicial or administrative.

Therefore, the pre-arrest bail application of the petitioner stands rejected for want of territorial jurisdiction.

Accordingly, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant