

GAHC010155582023



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

Case No. : Bail Appln./2516/2023

AZIMUDDIN SIKDAR
S/O UZIR ALI SIKDAR @ UZIR MAMUD SIKDAR
R/O AIRANJOUNGLA PT.III
P.S. AND DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A F N U MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

31.08.2023

Heard Mr. A. Ahmed, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Azimuddin Sikdar** has prayed for grant of bail in connection with **Special Case No.361/2022** arising out of **Dhubri P.S. Case No.999/2020** under Section **22(c)** of the NDPS Act.

The scanned copy of case record, as called for, is placed before the Court.

Mr. A Ahmed, learned counsel for the accused petitioner, submits that the accused has been languishing in judicial custody for 240 days despite being innocent. Mr. Ahmed further submits that as the accused was shown absconder in the charge sheet, he surrendered in Court on 04.01.2023 and since then, he has been detained in judicial custody. Mr. Ahmed submits that the accused is a permanent resident of Dhubri and as such, there is no chance of him jumping, the terms and conditions of bail.

Mr. B Sarma, learned Additional Public Prosecutor, submits that the case record reveals that charges under Sections 22(c)/25/29 of the NDPS Act were framed last month against the present accused and another, on 24.07.2023 and since then no prosecution witness is examined.

The case relates to recovery and seizure of (1) 5538 nos. of Spascore Von PLUS Capsules (2) 160 nos. of Pyeevon Spas Plus Capsules (3) 816 nos. of Simplex C+ Capsules (4) 820 nos. of Nitrosun ® 10 Tablets (5) 1496 nos. of Spas Modom Capsules (6) 41 nos. of Ownrex Cough Syrup bottles of 100 ml. each (7) 95 nos. of Ownrex Cough Syrup bottles of 100 ml. each and (8) 606 nos. of Relax Cof ™ Cough Syrup bottles of 100 ml. each from the house of the accused petitioner.

A perusal of the case record reveals that the accused petitioner has been in judicial custody since 24.01.2023, that is, 220 days.

It is further revealed that the charges above stated were framed on 24.07.2023. The commercial quantity of contraband, which was seized contained Tramadol, Nitrazepam tablets and Codeine based cough syrup bottles.

No prosecution witness is examined till date.

Therefore, this Court is of the opinion that in view of the bar contained in Section 37 of the NDPS Act and at the above stage of trial of the case, if liberty of bail is granted to the accused petitioner, the trial of the case is certain to be hampered.

Accordingly, the bail application stands **rejected**.

The bail application stands disposed of.

JUDGE

Comparing Assistant