

GAHC010249252023



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

Case No. : Bail Appln./4017/2023

MOHIDUL ISLAM
S/O- FOYJUDDIN SHEIKH, R/O- BIRSHING PART-III, P.O. FKIRGANJ, P.S.
AND DIST. DHUBRI, ASSAM, PIN- 783330.

VERSUS

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

Advocate for the Petitioner : MR. B KONWAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 22.12.2023

This is an application under Section 439 Cr.P.C. for granting regular bail to the accused petitioner, namely, **Mohidul Islam**, who was arrested on 01.07.2023 in connection with **Palashbari P.S. Case No. 233/2023** under Sections **21(c)** and **29** of the NDPS Act, 1985.

Heard Ms. D. Dutta, learned counsel appearing for the petitioner and Mr. B. Sarma, learned Addl. P.P., appearing on behalf of the State.

Ms. Dutta submits that the petitioner has been arrested on 01.07.2023 along

with two other individuals and that he is a businessman, who runs a Customer Service Point vide Bank Mitra I.D. No. 21549 of Airkata Branch of United Bank of India.

It is submitted that the petitioner brought his car from the co-accused's house on 30th of June, 2023 and went out with his family and that on the next day, he received a phone call from the co-accused Abdul Hai, asking him to come to his house. Upon reaching, the petitioner came to know that the co-accused had to go to Goalpara urgently to handle some business related emergency and asked him to drive the car and since the driver of the car was on leave, he pleaded the petitioner not to refuse. The petitioner accordingly took the co-accused and proceeded and the petitioner had no knowledge of the contraband article that was seized from the vehicle.

Mr. Sarma, learned Addl. P.P., strongly opposes the prayer of bail and submits that the contraband articles have been seized from the vehicle, which was driven by the petitioner along with the co-accused and, hence, the case has been made out against the petitioner.

From the records, it appears that on receipt of the information on 01.07.2023 from the Addl. Superintendent of Police (HQ), Karmrup, to the effect that one Datsun GO white car, bearing registration No. AS1 7J9122, was moving from Guwahati to Dhubri, in which narcotic substance was transported, the police official, after having authorization, stopped the said vehicle with the three occupants, including the petitioners and recovered the following from the vehicle:-

- (i) 30 nos. of soap boxes containing plastic pouches having narcotic drugs suspected to be heroin concealed inside the

backseat of the car;

- (ii) 20 nos. of soap boxes containing plastic pouches having narcotic drugs suspected to be heroin concealed inside the dikki of the car.

I have heard the submissions made at the Bar.

Considering the facts and circumstances of the case and keeping in mind the rigours of Section 37 of the NDPS Act, since, from the material available on record, it appears that the contraband articles have been seized from the car, which was driven by the petitioner, prima facie a case has been made out and, therefore, this Court, at this stage, is not inclined to grant the prayer of bail.

Accordingly, the bail petition stands rejected.

It is needless to state that the observation made herein is for the purpose of considering the prayer of bail and shall not be binding in any other proceedings.

JUDGE

Comparing Assistant