

GAHC010263382023



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

Case No. : Bail Appln./4279/2023

AZIBUR RAHMAN @ AZIZ@ AJIBUR RAHMAN@ AZIZ ALI
S/O FAIZUL HOQUE
R/O AMGAON, KHERBARI
P.S. PRAGJYOTISHPUR
DIST. KAMRUP (M), ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

19.12.2023

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for granting regular bail to the accused petitioner, namely **Azibur Rahman @Aziz @Ajibur Rahman @Aziz Ali**, who was arrested on

09.04.2023 in connection with **NDPS Case No.103/ 2023**, which is pending in the Court of learned Addl. Sessions Judge (FTC) No.3, Kamrup(M), Guwahati arising out of **Pragjyotishpur P.S. Case No.48/2023** under Sections **20(b)(ii)(c)** of the NDPS Act, 1985.

Heard Mr. A. Ahmed, learned counsel for the petitioner and Mr. B. Sarmah, learned Addl. P.P., Assam appearing for the State respondent.

The case of the prosecution, in brief, is that contraband articles were recovered from the house of Sadhir Kr. Ray in the presence of the present accused on being shown by him.

Mr. A. Ahmed, learned counsel for the petitioner, submits that the petitioner is innocent and falsely implicated in the instant case and that on the date of occurrence, he, who is a daily wage labourer by profession, was roaming near the house of Sadhir Kr. Ray and was asked by the police party to accompany them and accordingly, after the police party recovered the contraband articles, falsely implicated him.

On the other hand, Mr. B. Sarmah, learned Addl. P.P. strongly opposed the prayer for regular bail. He submits that it was the petitioner/accused who had shown the seized contraband articles and that the seized contraband articles of commercial quantity have been recovered from the possession of the accused and his counterparts. He further submits that the accused petitioner along with others named in the FIR are doing illegal business of selling Ganja (Cannabis) since long and that the accused person was earlier arrested. Mr. Sarmah also submits that charge-sheet has already been submitted in the case.

It appears from the scanned copy of the case record produced before this Court - i) that the seized articles have been recovered from the possession of

the accused person, ii) that the accused person is involved in illegal business of selling contraband articles and iii) that the accused person has been arrested earlier in connection with PGR PS C/No.72/2022 and charge sheeted vide CS No.55/2022 dated 24.07.2022. From the materials available on record, it appears that the petitioner is active in selling and transporting suspected contraband articles in Guwahati and other states for his illegal gain.

Having regard to the facts and circumstances of the case, I am not inclined to grant bail to the accused petitioner at this stage.

Accordingly, this petition stands rejected.

It is needless to say that the observations made herein are tentative only and shall have no bearing in any other proceeding.

JUDGE

Comparing Assistant