

GAHC010003622024



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

Case No. : Bail Appln./101/2024

NUR BHANU BIBI
W/O BACHHA ALI
R/O VIL- JHAGRARPAPART-3,
P.S. DHUBRI, IN THE DISTRICT OF DHUBRI, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

12.02.2024

Heard Mr S Das, learned counsel for the petitioner, Nur Bhanu Bibi.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail as she is behind bars for 488 days since 12.10.2022, in connection with Special Case No. 03/2023, arising out of Dhubri PS Case No. 483/2022, registered under Section 22(c) of the NDPS Act.

3. It is submitted on behalf of the petitioner that the petitioner has been languishing in jail for 488 days. She being a woman is suffering immensely. She is a housewife and she has no nexus with illicit drug trafficking.
3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.
4. The learned Additional Public Prosecutor has raised objection stating that the rigour of Section 37 of the NDPS Act, acts as an embargo.
5. I have considered the submissions at the Bar with circumspection.
6. 10 witnesses out of 11 enlisted witnesses have already been examined. This case is at the fag end of trial.
7. It is true that the petitioner has been languishing for a prolonged period behind bars. However, considering the rigours of Section 37 of the NDPS Act and considering the fact that the case is at the fag end of trial, petition is rejected.
8. The learned trial Court is directed to expedite the trial for speedy disposal of the case. On further procrastination of this case, the petitioner is at liberty to subsequently apply for bail, which may be considered as per merits of the case. The learned trial Court may make an endeavour to conduct day-to-day trial to expedite the trial.
9. Bail Application stands disposed of.

JUDGE

Comparing Assistant