

GAHC010005162024



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

**Case No. : AB/81/2024**

SAMBHU RAJBHOR  
S/O LT. DUKHORAM RAJBHOR  
VILL- SOUTH TUKERCHARA PT.I  
P.S. GOLAKGANJ  
DIST. DHUBRI, ASSAM

VERSUS

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

**Advocate for the Petitioner : MR. L R MAZUMDER**  
**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**01.03.2024**

Heard Mr. A. Z. Ahmed, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Sambhu Rajbhor**, who is apprehending arrest in connection with **Golakganj P.S. Case No. 426/2023**, registered under

**Sections 22(b)(ii)(B) of NDPS Act.**

It is submitted by the learned counsel for the petitioner that the petitioner is no way connected with the alleged offence and prior to registering of the present case, another case was registered vide GDE No. 716 on 25.09.2023 and the son of the petitioner was arrested in connection with the alleged offence.

Learned counsel for the petitioner also submitted that though the cannabis was recovered from his house but he was not present at the relevant time. As it was not recovered from his conscious possession, prayer for bail may be considered.

On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has submitted that the alleged contraband was recovered from the house of the present petitioner and subsequently, FSL report is received which gave positive test on cannabis. At this stage, pre arrest bail may not be granted to the petitioner.

In view of above, this Court is of the view that this is not a fit case to grant the privilege of pre-arrest bail to the petitioner. Therefore, the benefit of pre-arrest bail may not be considered to the petitioner and prayer is **rejected** accordingly. The pre-arrest bail application stands disposed of.

Return the case diary.

**JUDGE**

**Comparing Assistant**