

GAHC010022492024



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

Case No. : Bail Appln./403/2024

ALI HUSSAIN
R/O VILL- AND P.O. JHAWDANGA, P.S. MANKACHAR,
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. A RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08.04.2024

Heard Mr. A. Rahman, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Addl. P.P. Assam for the State respondent.

The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail. The petitioner surrendered on 01.12.2023 in connection with Special Case No. 16/2023 arising out of Gauripur P.S. Case No. 259/2022 under Section 22(c) NDPS Act, 1985.

The learned Addl. P.P. has prayed for some time to go through the voluminous LCR.

The learned counsel for the petitioner has submitted that the petitioner met with an accident and he was unable to appear. NBWA was issued against the petitioner. The petitioner then filed application under

Section 482 Cr.P.C, read with Article 227 of the Constitution of India and vide order dated 15.11.2023, this Court directed the petitioner to appear before the learned trial Court within 15 (fifteen) days and apply for regular bail and a direction was given to the learned trial Court to consider the bail petition, if any, as per merits of the case. The trial Court however forwarded him to custody after he surrendered before the Court.

It is further submitted that the petitioner is languishing in the jail.

I have considered the submissions at the bar with circumspection. I have also scrutinised the trial Court record of Special Case No. 16/2023.

The record reveals that the petitioner who was enlarged on bail never appeared before the Court after summons were issued against him. Now, the petitioner is willing to cooperate with the trial. As the petitioner is willing to cooperate with the trial, the petitioner is at liberty to file bail application if so advised and pray for regular bail, before the trial Court, which may be considered by the learned trial Court as per merits of the case.

In terms with the above observations, this bail application is disposed of.

JUDGE

Comparing Assistant