

GAHC010021632024



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

Case No. :

Bail Appln./408/2024

Md KHALILUR RAHMAN
S/O.MD. FAIJUR RAHMAN

R/O. LOCH
P.S. BAIHATA CHARIALI
DIST- KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for : MR CHANDRA KUMAR NATH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

20.03.2024

Heard Mr. Y.S. Mannan, learned counsel for the petitioner. Also heard Mr.

K.K. Das. Das, learned Additional Public Prosecutor, Assam.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Md. Khalilur Rahman, who has been arrested on 11.09.2023 in connection with North Guwahati Police Station Case No. 111/2023, corresponding to NDPS Case No. 03/2024 under Section 21(c)/29 of the NDPS Act, 1985.

The NDPS Case No. 03/2024 is presently pending in the court of learned Sessions Judge, Kamrup.

The gist of accusation in this case is that on 11.09.2023, one Saddam Ansari, S.I. of Police of Rani police outpost had lodged an FIR before the Officer-In-charge of North Guwahati Police Station, *inter-alia*, alleging that on that day, at around 4:00 PM an information was received through reliable sources by the Additional S.P. (Headquarter), Kamrup that the present petitioner along with his associates, Inamul Ali and Abdul Ali would be carrying some contraband in Black colour Hyundai Creta vehicle bearing Registration No. AS01FE1589 belonging to the present petitioner.

Accordingly, a naka-checking was set up at Amingaon, near Saraighat Bridge.

At around 7:00 PM on that day a Thar vehicle bearing Registration No. AS01FM7800 was found coming from Guwahati side and when the said vehicle was tried to be stopped, the occupants of the said vehicle made attempt to escape from the said vehicle.

However, they were apprehended, namely, 1. Haopu Singso, 2. Gogou Haokip and 3. Samingon Doungel.

During interrogation, those apprehended persons informed that the present petitioner and his associates were waiting for them in front of Hotel

Sanchika in Amingaon.

During search of the seized Thar car on being pointed by the apprehended persons 170 numbers of soap boxes containing suspected heroine were recovered from hidden chamber of the said Thar vehicle and the total weight of the recovered contraband was found to be 2kg 100grams.

I have considered the submissions made by the learned counsel for both the sides and perused the materials available on record.

As apparently it appears that there are materials implicating the present petitioner in this case and as the quantity of contraband seized in this case is commercial quantity, the embargo of Section 37 of the NDPS Act, would be applicable in this case and there is no material on record to overcome the said embargo in this case in favour of the present petitioner.

Hence, the prayer for bail of the present petitioner is hereby rejected.

With the above observations, this bail application is accordingly dismissed.

JUDGE

Comparing Assistant