

GAHC010034252024



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

Case No. : Bail Appln./485/2024

KHALID AHMED BARBHUIYA AND ANR.
S/O LATE MOHROM ALI BARBHUIYA
R/O VILL- DUBAG
P.O. NIJ JOYNAGAR
P.S. SILCHAR SADAR
DIST. CACHAR, ASSAM

2: SAIF UDDIN TALUKDAR
S/O FAIJUR RAHMAN TALUKDAR
R/O VILL- SAIDPUR PART-I

AMTALA
P.S. KATIGORAH

P.O. SAIDPUR
DIST. CACHAR
ASSA

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE STANDING COUNSEL, DRI

Advocate for the Petitioner : MR. B HUSSAIN

Advocate for the Respondent : SC, DRI

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 06.05.2024

Heard Mr. A.K.Hussain, learned counsel for the petitioners as well as Mr. S.C.Keyal, learned Standing Counsel, DRI for the respondent.

2. By this petition under Section 439 Cr.P.C., the petitioners, namely, **1. Khalid Ahmed Barbhuiya** and **2. Saif Uddin Talukdar** have prayed for grant of bail in connection with Departmental Case No. 04/CL/NDPS/DRL/SIL/2023-24 under Sections 43 (a)/21 (c) of the NDPS Act.

3. The brief fact of the case is that 08.01.2024, a complaint was filed before the learned CJM, Cachar, Silchar alleging that the DRI personnel intercepted one Toyota Glanza car bearing AS-01-FT-1802 on 07.01.2024 at Srikona area of Cachar district wherein the driver and one occupant of the car have been apprehended on the spot and were later on brought to DRI Office at Silchar. On being searched, about 64,000 nos. of tablets suspected to be amphetamine/methamphetamine which are commonly known as yaba tablets weighing about 6.40 kg have been recovered from the possession of the petitioners. Accordingly, a case was registered vide DRI Case No.04/CA/NDPS/DRI/SIL/2023-24 and the driver and occupant of the alleged car were arrested.

4. The learned counsel for the petitioners submitted that the petitioner No. 1

is an Assistant teacher of Raipur Tokergram LP school and that petitioner No. 2 is a small businessman. Both the petitioners are the only bread earner of their respective families consisting of age old ailing parents, wife and minor children and hence, their arrest have severely affected the daily life of their family members.

5. According to learned counsel for the petitioners, on the date of the incident, petitioner No.2, owner of the seized vehicle was driving and proceeding towards Badarpur for his personal work. On the way, petitioner No. 1 requested petitioner No. 2 to accompany him towards the said journey to Badarpur. While they were proceeding towards Badarpur, suddenly the DRI officials asked to stop the car and thereafter they were brought to the DRI office, Silchar and subsequently, they were arrested on the allegation that some contraband drugs were recovered from their possession which is absolutely incorrect. It is alleged that the DRI officials demanded huge amount of money which they refused to pay and thereby they have been falsely implicated in the case.

6. It is further submitted that the accused persons have been detained in custody for more than 90 days. Considering the length of detention, bail may be granted to the petitioners.

7. In response, learned Standing Counsel, DRI submits that both the petitioners were apprehended along with the contraband goods. On being asked, initially both the petitioners denied of carrying any contraband goods but later they confessed of carrying contraband items under concealment in a cotton hand bag.

8. It is further submitted that though the petitioner No. 1 stated that he is

serving as Assistant teacher in government school but it is really shocking that he is associated with illegal trafficking of narcotic drugs. Learned counsel, DRI therefore, prays for dismissal of the bail application.

9. I have considered the submissions of learned counsel for the parties and also perused the case diary.

10. On perusal of seizure list, it reveals that 64,000 nos. of tablets were recovered from the possession of both the petitioners. Both the petitioners were travelling in a car bearing No. AS-01FT-1802. The petitioner No. 2 is the owner of the said vehicle. There is no explanation from the side of petitioners why such huge quantity of narcotic drugs were carried in their vehicle. It also appears that FSL report is received which confirms the contraband as methamphetamine. From the case diary, it also reveals that further investigation is still in progress. The DRI has collected sufficient incriminating materials against the petitioners regarding possession of narcotic drugs. Hence, at this stage, bail prayer is rejected.

Send back the case diary.

The bail application is disposed of accordingly.

JUDGE

Comparing Assistant