

GAHC010037192024



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

Case No. : Bail Appln./535/2024

MD. SAKIR AHMED @ MD. SAKIR AHAMED
S/O ABDUL SATAR
R/O SORAMAKHALAIKAI
P.S. IRENGBAND
DIST. THOUBAL, MANIPUR

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K SAHARIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09.04.2024

Heard Mr. P.K. Saharia, learned counsel for the petitioner Md. Sakir Ahmed @ Md. Sakir Ahamed.
Also heard Mr. R.R. Kaushik, learned Addl. P.P., Assam for the State respondent.

The petitioner has filed this application as he is behind the bars since 29.06.2022 in connection with NDPS case No. 334/2022 arising out of Garchuk P.S. Case No. 201/2022 registered under Sections 420/468 of the IPC read with Sections 22(C)/29 of the NDPS Act.

It is submitted that earlier 2 (two) bail petitions have been rejected by this Court. Subsequently, the petitioner has filed this application with prayer for bail as the trial has already been concluded and this

case is fixed for recording statement of the petitioner, but the trial Court has not recorded the statement of the petitioner and co-accused.

Heard Mr. R.R. Kaushik, learned Addl. P.P., Assam for the State respondent.

It is submitted that the petitioner's liberty has been curtailed by not recording the statement of the petitioner under Section 313 Cr.P.C. The seizure witness has not at all incriminated the petitioner. The prosecution witnesses have also not identified the petitioner. The petitioner is willing to abide by any condition if imposed upon him.

The learned Addl. P.P. Mr. R.R. Kaushik has raised objection stating that this case is at the fag end of the trial. There are also incriminating materials against the petitioner.

I have considered the submissions at the bar with circumspection. The case is in the fag end of the trial and is fixed for recording statement of the petitioner under section 313 Cr.P.C. At this juncture, the prayer of the petitioner for bail stands rejected.

JUDGE

Comparing Assistant