

GAHC010039832024



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

Case No. : Bail Appln./555/2024

BILAL UDDIN
S/O LATE HABIBUR RAHMAN
VILL- TENGATALI
P.S. KAKI CHARIALI
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28.05.2024

Heard Mr. N. Uddin, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Bilal Uddin**, in connection with **NDPS Case No.**

101/2023 (arising out of Lumding GRPS Case No. 54/2023) registered under Section **379/411/328/511 IPC r/w Section 21(C) of NDPS Act, 1985.**

It has been submitted by the learned counsel for the petitioner that though the case was registered under Section 21(C) of NDPS Act but the contraband recovered from the possession of the petitioner is small quantity. It is also submitted that the accused has been detained in custody for last 350 days. It is further reported that tomorrow i.e. on 29.05.2024, the case is fixed for production of the accused before the learned trial court and no effective order has been passed regarding framing of charge. Considering the length of detention, petitioner may be enlarged on bail.

Mr. Baruah, learned Additional Public Prosecutor for the State submits that the petitioner may raise the issue that the contraband recovered from his possession is small quantity before the learned trial court at the time of framing of charge. Therefore, he has prayed that bail may not be considered to the petitioner at this stage.

I have considered the submissions made by the learned counsel for the parties.

Without going into merit of the case, the matter is disposed of with a direction to the trial court to proceed with the trial of the case after framing of charge. The accused/petitioner may raise the issue regarding quantity of contraband items recovered from the possession of the petitioner at the time of framing of charge.

JUDGE

Comparing Assistant