

GAHC010044292024



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

Case No. : Crl.Pet./247/2024

SHIPLU AHMED
S/O BABUL HUSSAIN
VILL- KANISHOLI
P.S. KARIMGANJ
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:SI NABIN CHETIA
S/O LATE ANANDA RAM CHETIA
C/O KAKOPATHAR POLICE STATION

P.S. TINSUKIA
DIST. TINSUKIA
ASSA

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

06.03.2024

Heard Mr. N. Uddin, learned counsel for the petitioner. Also heard Mr. P.

Borthakur, learned Additional Public Prosecutor, Assam.

The facts of the case is that the petitioner, who was arrested in connection with Kakopathar Case No. 72/2023, registered under Section 21(C)/29 of the NDPS Act, dated 27.08.2023, was substantially granted interim bail by the court of learned Additional Special Judge (F.T.C.) No. 2(NDPS) Tinsukia, by order dated 11.12.2023 with the conditions that he shall appear before the court physically on all dates.

Though the petitioner thereafter was appearing before the court of learned Additional Special Judge (F.T.C.) No. 2(NDPS) Tinsukia, subsequently, on 30.01.2024, the petitioner was absent without any steps. Accordingly, warrant of arrest was issued against the petitioner by the court of learned Additional Special Judge (F.T.C.) No. 2(NDPS) Tinsukia.

Aggrieved by the order aforesaid dated 30.01.2024, the present criminal revision petition under Section 482 has been filed before this Hon'ble Court.

Mr. N. Uddin, learned counsel for the petitioner submits that the petitioner has been tested positive for HIV during pendency of the judicial custody and keeping that in mind, interim bail was granted.

Mr. P. Borthakur, learned Additional Public Prosecutor, on the other hand, strongly opposes the prayer of setting aside and quashing the order dated 30.01.2024 as the petitioner has violated the terms and conditions of the interim bail granted.

I have heard the submissions made at the bar and perused the materials available on record.

It appears that the court of learned Additional Special Judge (F.T.C.) No. 2(NDPS) Tinsukia while granting interim bail to the petitioner had clearly indicated that in the event of violation of any of the conditions including that of

the appearance of the petitioner before the learned Additional Special Judge (F.T.C.) No. 2(NDPS) Tinsukia, physically on all dates, the interim bail granted shall stand cancelled.

In view of the aforesaid order, considering that the petitioner was absent on 30.01.2024, before the learned Additional Special Judge (F.T.C.) No. 2(NDPS) Tinsukia, without steps, this court warrants no interference of the aforesaid order dated 30.01.2024.

Accordingly, the criminal revision petition stands dismissed.

JUDGE

Comparing Assistant