

GAHC010047042024



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

Case No. : Bail Appln./672/2024

MD. SAIFUL ISLAM
S/O MD. HASEN ALI
R/O VILL- JUTHANG BOSTI
P.O. TINIALI BAZAR,
P.S. LANKA
DIST. HOJAI, ASSAM
PIN-782446

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A A DEWAN
Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

09.04.2024

Heard Mr. A.A. Dewan, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, the learned Addl. Public Prosecutor representing the State of Assam.

2. This is an application under Section 439 of the CrPC in respect of NDPS Case No.23/2022 under Section 21(C) of the NDPS Act (corresponding to Dillai P.S. Case No.63/2021).

3. Commercial quantity narcotic drugs was found in possession with the petitioner. Presently, he is facing trial. There are 8 witnesses, out of which 2 witnesses have already been examined and 6 are yet to be examined.

4. Mr. Dewan submits that the petitioner has already completed more than two years in judicial custody and the case before the trial court is still pending.

5. According to Mr. Dewan, the fundamental right of the petitioner is violated.

6. I have considered the submissions made by the learned counsel of both sides.

7. The petitioner is facing trial for possessing commercial quantity of narcotic drugs. Two witnesses are already examined and six are yet to be examined.

8. This Court is of the opinion that allowing the bail prayer of the petitioner would hamper disposal of the case before the trial court. Therefore, the bail prayer of the petitioner is rejected.

9. The trial court is directed to expeditiously dispose of the case within next 6 months.

The Bail Application is disposed of.

JUDGE

Comparing Assistant