

GAHC010051312024



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

Case No. : AB/663/2024

DEDSWRANG BASUMATARY
S/O PRAFULLA BASUMATARY
R/O VILL- BADAGAON,
P.O. MAJKHUTI, P.S. UDALGURI
DIST. UDALGURI (BTR), ASSAM
PIN-784509

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PAUL
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

26.04.2024

Heard Mr. A. Paul, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor appearing for the State respondent.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioners, namely, **Dedswrang Basumatary**, in connection with **Tamalpur PS Case No. 132/2023** registered under

Section 20(b)(ii)(c) of the NDPS Act.

It is submitted by the learned counsel for the petitioner that the petitioner is the owner of a vehicle bearing No. AS 01 DU 7383 from which commercial quantity of ganja was recovered but the petitioner being the owner of the vehicle has no knowledge about such transportation. Prior to two days of the incident, one driver namely, Chauhan was appointed. On the date of the incident, he was driving the vehicle and he had left the vehicle from which the contraband was recovered. Under such backdrop, pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. D. P. Goswami, learned Additional Public Prosecutor submits that the petitioner was the owner of the vehicle from which commercial quantity of ganja was recovered. He further submits FSL report also gave positive test of ganja and submits that bail may not be considered at this stage.

Having heard the learned counsel for both sides and perusal of the case diary, bail prayer of the petitioner stands rejected.

However, the petitioner is directed to surrender before the trial court and if any bail application is filed, the same shall be disposed of in accordance with law

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant