

GAHC010058432024



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

Case No. : Bail Appln./875/2024

MD. NAWAZ KHAN
S/O MD. ABDUL JOYNUL
R/O VILL- KWAKTA, WARD NO. 07,
P.S. MOIRANG, DIST. BISHNUPUR
STATE- MANIPUR

VERSUS

THE STATE OF ASSAM
REP BY THE LD. PP, ASSAM

Advocate for the Petitioner : MS. K MALAKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 08.05.2024

Heard Ms. K. Malakar, learned counsel for the accused-petitioner as well as Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Md Nawaz Khan**, in connection with **NDPS Case No. 10/2023 (arising out of Khatkhathi P.S. Case No. 96/2022)** under **Section 21(C) of NDPS Act**, pending in the court of Addl. Sessions

Judge, Karbi Anglong.

3 It has been submitted by the learned counsel for the accused/petitioner that the accused-petitioner has been languishing in judicial custody for the last 543 days since his arrest on 12.11.2022. After that charge has been framed and out of six witnesses, five witnesses have already been examined. However, considering length of detention, bail may be granted to the petitioner.

4. On the other hand, Mr. Kaushik, learned Additional Public Prosecutor for the State has submitted that only one witness remains to be examined in this case. It is also submitted that trial is about to complete within a short span of time. So bail may not be considered at this stage.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the scanned copy of trial court record.

6. It appears that out of six witnesses, five witnesses have already been examined. The trial is about to complete within a short period. Situated thus, interference by this Court is not permissible at this stage. Therefore, prayer for bail is **rejected**.

7. However, the learned Additional Sessions Judge, Karbi Anglong is directed to expedite the matter for examining the remaining witness as early as possible and endeavor is made to dispose of the matter within two months from the date of receipt of the order.

JUDGE

Comparing Assistant