

GAHC010064252024



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

Case No. : AB/819/2024

JIAUL HAQUE @ JEHERUL ALI
S/O LT. HABIBAR RAHMAN, VILL- BALAGAON (UDIANA), P.S.-RANGIA,
DIST-KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F A LASKAR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

24.04.2024

Heard Mr. F. A. Laskar, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, 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, **Jiaul Haque @ Jeherul Ali** in connection with **Rangia PS Case No. 68/2024**, registered under **Section 21(b)/27(A)/29 of NDPS Act.**

It is submitted by the learned counsel for the petitioner that though the police has searched the house of the petitioner but no any contraband was recovered from his house only cash of Rs.3,00,000/- was recovered. It is also submitted that the mother of the petitioner is a Government employee and she has drawn such money for construction of their house. Under such backdrop, benefit of pre-arrest bail may be granted to the petitioner.

On the other hand, Mr. R. R. Kaushik, learned Additional Public Prosecutor has produced the case diary and submits that the petitioner is the main supplier of drugs which was seized from the possession of co-accused so Section 29 of the NDPS Act is attracted here in this case. Learned Additional Public Prosecutor further submitted that pre-arrest bail may not be considered at this stage.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the facts as well as the materials available thereon, this Courts finds that custodial interrogation of the petitioner is required for the purpose of investigation of the case.

Accordingly, the bail prayer of the petitioner stands rejected.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant