

GAHC010073542024



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

Case No. : AB/951/2024

SAIFUDDIN AHMED @ KENA
S/O AHMED ALI, R/O VILL- BISHNUPUR, P.S.-SIPAJAHR, DIST- DARRANG,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M HOQUE
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

19.04.2024

Heard Mr. M. Hoque, 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, **Saifuddin Ahmed @ Kena**, in connection with **Sipajhar PS Case No. 39/2024**, registered under **Section 22(b)/29 of NDPS Act.**

The brief fact of the case is that on 23.03.2024, an FIR has been lodged before the officer in-charge, Sipajhar police station alleging *inter alia* that on that day at about 7.10 pm he received an information from reliable source that a large quantity of suspected contraband has been selling at the tea stall of the present petitioner located at Bishnupur. Thereafter, the police of Sipajhar police station reached the tea stall of the petitioner and during search, huge quantity of contraband has been recovered. The owner of the tea stall i.e. the present petitioner fled away but another person Ziarul Ali was apprehended inside the tea stall. Accordingly, the contraband drugs were seized suspected to be brown sugar. Thereafter, FIR has been lodged.

It is submitted by the learned counsel for the petitioner that he was the owner of the tea stall and several persons used to come to take tea in his tea stall but the petitioner never allowed any persons to do illegal activities like selling of drugs inside his tea stall. It is further submitted that the apprehended person is the customer of the petitioner and the petitioner has no knowledge regarding possession of any drugs by the said customer. It is also submitted by the learned counsel for the petitioner considering the background of the case, 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 allegation against the petitioner is that though he is running a tea stall but he is also trafficking narcotic drugs from his tea stall. Accordingly, learned Additional Public Prosecutor submits that custodial interrogation of the petitioner is required as the offence against the petitioner relates to offence against the society.

I have considered the submissions made by the learned counsel for the

parties. I have also perused the case diary which discloses that the petitioner is not only implicated in this case which is under investigation but he is also suspected of involvement in other psychotropic substances cases. The evidence gathered so far strongly suggest a pattern of criminal activity of the petitioner.

In view of the above, this Court is not inclined to grant bail to the petitioner at this stage. However, the petitioner is directed to surrender before the jurisdictional/trial court. If any bail application is filed, learned court will consider the matter in accordance with law.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant