

GAHC010073592024



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

Case No. : Bail Appln./1049/2024

GULENUR ISLAM
S/O MAFIZUDDIN AHMED,
VILL.- MOLLAPARA, P.S.- MONGALDOI, DIST.- DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent :

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.04.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the

petitioner, namely, **Gulenur Islam**, in connection with **Special (N) Case No. 10/2024 (arising out of Sipajhar P.S. Case No. 323/2023)** registered under **Section 22(C) of NDPS Act**, pending in the court of **Special Judge, Darrang, Mangaldai**.

3. It is submitted by the learned counsel for the petitioner that nothing was recovered from the possession of the petitioner. It is also submitted that a notice under Section 41(A) Cr.P.C. has been received by the petitioner with a direction to appear before the investigating officer and subsequently he was arrested. Though the FIR was lodged on 03.10.2023 but the petitioner was arrested on 09.10.2023. Charge-sheet has been submitted showing two persons as absconders as such, trial is not proceeding. As the petitioner is a local person, there is no chance of absconding. Considering the length of detention as well as the nature of the offence, bail may be granted to the petitioner.

4. On the other hand, Mr. Das, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the accused/petitioner by stating that the petitioner is very much involved in the alleged offence and there is sufficient incriminating materials found in the case record against the petitioner. It is also submitted that as per seizure list, commercial quantity of Yaba tablets were recovered from a vehicle in which the petitioner has been involved. Considering the nature of offence, bail may not be granted to the petitioner at this stage.

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

6. It appears from the record that charge-sheet has been submitted but charge has not yet been framed. At this stage, this Court is not inclined to grant bail to the petitioner. Hence, prayer for bail is rejected.

7. The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant