

GAHC010075862024



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

Case No. : AB/996/2024

RATAN DEB
S/O LATE BADAL DEB, R/O A.D. NAGAR, MADYA BADARGHAT, P.S.-
ARUNDHUTINAGAR, DIST-WEST TRIPURA, TRIPURA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B C DAS, MR. S H RAHMAN
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

02.08.2024

Heard Mr. S. H. Rahman, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor.

This is an application under Section 438 Cr.P.C. for granting of pre-arrest bail who is apprehending arrest in connection with Special (NDPS) Case No. 104/2023 (arising out of Bezaricherra PS Case No. 169/2023) under Section 22(C)/25/29 of NDPS Act pending in the court of learned Special Judge, Karimganj.

Learned counsel for the petitioner submits that charge-sheet has been laid in this case against the petitioner vide CS No. 189/23 dated 31.12.2023 showing him as absconder. Subsequently, 67 notice was served to him in connection with Bezaricherra PS Case No. 169/2023 on 14.01.2024 and the petitioner has received the notice. So it cannot be said that the petitioner is not available in the given address. Under such circumstances, benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor submits that they have received a report from the concerned IO that the petitioner is a habitual offender and involved in indulging drug smuggling in Assam and Tripura state and he also used to smuggle drug by using his own vehicle in different place. He further submits that the petitioner is the owner of the vehicle bearing No. AS 01 PC 9531 from which 6100 bottles of psychotropic substance was recovered. It is further submitted that right now two cases are pending against the petitioner vide Bezaricherra PS Case No. 167/2023 and Bezaricherra PS Case No. 169/2023 and he submits that considering the allegation made in the case, custodial interrogation of the petitioner is required and he opposed in granting bail to the petitioner.

Considering the submission made by the learned counsel for both the parties, the petitioner is directed to surrender before the trial court within 15 (fifteen) days from today and in the event of filing any bail application, the learned trial court will consider the matter in accordance with law.

Accordingly, the bail application stands disposed of.

JUDGE

Comparing Assistant