

GAHC010078962024



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

Case No. : Bail Appln./1252/2024

MAINUL ALI @ BABU @ BABU PETLA
S/O LATE MAKSHED ALI
R/O VILL- ALIKASH
P.S. HAJO
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S C DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

15.05.2024

Heard Mr. S. C. Das learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned standing counsel, NCB.

By this petition filed under Section 439 Cr.P.C., the accused-petitioner, namely, **Mainul Ali @ Babu @ Babu Petla**, has prayed for grant of bail in connection with **North Guwahati PS Case No.121/2023** registered under Sections **21(C)** of

NDPS Act, corresponding to Special (NDPS) Case No. 07/2023.

It is submitted by the learned counsel for the petitioner that the case has been registered under Section 21(C) of NDPS Act. The contraband was seized preferring two seizure lists. In one seizure list the suspected heroin was found weighing 140 grams without container and in another seizure list 157grams of suspected heroin was seized with container.

According to learned counsel for the petitioner as per 2nd seizure list, the seized quantity was found 157 gram with container and it cannot be ascertained the exact quantity as such Section 21(C) of NDPS Act is not attracted here in this case. It is further submitted that the accused has been detained in custody for last six months since his arrest on 13.10.2023. Considering the length of detention, bail may be granted to the petitioner.

Learned Additional Public Prosecutor, on the other hand, has submitted that charge has not yet been framed as such at this stage, it cannot be decided by this Court the actual quantity of contraband seized from the petitioner vide 2nd seizure list. And he prayed for dismissal of the bail application.

I have considered the submission of learned counsel for both the parties and also perused the trial court record. It appears from the record that in one seizure list the suspected heroin was found weighing 140 grams without container and in another seizure list 157grams of suspected heroin was seized with container. Apparently, it appears to be commercial quantity of heroin recovered from the possession of the accused petitioner and charge has not yet been framed. The FSL report shows positive test for heroin.

In view of the above, this Court is not inclined to grant bail to the petitioner. Accordingly, prayer for bail is rejected.

The bail application stands disposed of.

JUDGE

Comparing Assistant