

GAHC010080412024



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

Case No. : AB/1071/2024

MD. REKIB ALI @ FOIZ @ FOIZ ALI @ REKIB
S/O NAZIM ALI
R/O PITAMBAR HATBZALI
P.S. AND P.O. RANGIA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19.06.2024

Heard Mr. M. Rahman, learned counsel for the petitioner. Also heard Mr. R. J. Boruah, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for granting pre-arrest bail to the accused

person/petitioner, namely, Rekib Ali @ Foiz, who is apprehending arrest in connection with Rangia P.S. Case No.10/2022, under Section 21(b)/27/29 of the NDPS Act, 1985.

Scanned copy of the Case record along with the Case Diary is received, perused the same and heard both the sides.

It is submitted by Mr. M. Rahman, learned counsel for the petitioner that during the enquiry of the case, the petitioner was working in Chennai and was not aware about the pendency of the case nor the Police enquired about him during the pendency of the case. However, coming to know about the issuance of the NBWA he appeared before this Court seeking pre-arrest bail. He is ready to appear before the learned Trial Court below and to face the trial if he is granted with the privilege of pre-arrest bail. He further submitted that all the family members are facing the trial and hence there cannot be any scope for absconding if the present petitioner is granted with the privilege of bail.

In the context, Mr. R. J. Boruah, learned Additional Public Prosecutor for the State respondent submitted that from the record, it reveals that from the day the charge-sheet was submitted, the learned Special Judge issuing summons to the present petitioner, but he never appeared before the trial court below and the present petition has been filed only after issuance of NBW against him. Accordingly, he submitted that the petitioner may be directed to appear before the learned Trial Court with an appropriate application for bail.

Considering the submissions made by the learned counsels for both sides and considering the entire aspects of this case, the present petitioner is hereby directed to appear before the learned court below within 10 (ten) days from today with an appropriate application for bail, which shall be considered by the

learned Special Judge in accordance with law.

Till then, NBWA issued against the present petitioner shall remain stayed/suspended.

In terms of above, this anticipatory bail application stands disposed.

JUDGE

Comparing Assistant