

GAHC010082752024



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

Case No. : AB/1106/2024

AKLAS UDDIN LASKAR
S/O LATE SAFAR ALI LASKAR,
R/O DAKHIN MOHAN PAR PART (VII),
P.S.- SONAI, DIST.- CACHAR, ASSAM, PIN- 788119.

VERSUS

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

Advocate for the Petitioner : MR. I H LASKAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

19.06.2024

Heard Mr. P. K. Deka, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of pre-arrest bail to the accused/petitioner in connection with Sonai P. S. Case No.32/2023 (G.R. Case No. 740/2023) alleging an offence under Sections 21(c)/22(c)/23/25/27 A/ 29 of NDPS Act, 1985.

The scanned copies of the Case Record along with the Case Diary have been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Deka that the present petitioner is innocent and his name has been falsely implicated in the instant case. It is contended by the petitioner that he is a daily wage earner and on the very day of the raid, he was called to work at the house of the accused No.1 and thereafter, he was apprehended as a consequence of raid. More so, the petitioner along with the other co-accused were granted with interim protection, however, vide order dated 12.01.2024 their interim prayer was rejected and accordingly, the instant petition has been filed by the petitioner seeking for pre-arrest bail. He further submitted that the petitioner is ready and willing to appear before the learned Trial Court to face the trial, if he is granted with the privilege of pre-arrest bail, so that he can appear before the Trial Court.

In this context, Mr. Baruah, learned Standing counsel has submitted that it is a case of commercial quantity. He further submitted that the petitioner and the other co-accused were earlier granted with the privilege of interim protection without

perusal of the Case Diary and later the same had been rejected vide order dated 12.01.2024 by the learned Trial Court. Accordingly, he submitted that considering the nature of allegation, the privilege of pre-arrest bail may not granted to the accused/petitioner at this stage.

Thus, considering the entire facts and circumstance of this case, I hereby direct the accused/petitioner to appear before the learned Trial Court within 15 (fifteen) days from today and on his appearance and on his filing a petition for grant of regular bail and the learned Court below shall consider the same in accordance with law.

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

Return the LCR as well as the Case Diary.

JUDGE

Comparing Assistant