

GAHC010087382024



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

Case No. : AB/1175/2024

NOJIBUL ISLAM
S/O ASHAN ALI,
VILL.- 159 BIRSING HALONGGAR CHAR (RIVER BLK), PT- II GOALPARA,
ASSAM, P.O. AND P.S.- PANCHARATNA, PIN- 783101, DIST.- GOALPARA,
ASSAM.

VERSUS

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

Advocate for the Petitioner : MR P P MEDHI, MR G BARGAYARY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-09-2024

Heard learned counsel Dr. P.P. Medhi for the petitioner Nojibul Islam, who has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with Special (Narcotic) Case No. 88(J)/2022 arising out of Jogighopa Police

Station Case No. 100/2022 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Act of 1985 for short), as NBWA has been issued against him by the learned Trial Court.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State. It is submitted that the investigation agency never made any endeavour to arrest the petitioner and the petitioner was not aware of this case. Now, when NBWA has been issued against him, the petitioner is apprehending that he will be forwarded to custody.

3. The allegation against the petitioner is that he was caught cultivating opium in contravention to the Act of 1985.

4. Learned Additional Public Prosecutor has raised objection stating that the Trial Court Records reveal that opium was cultivated over a plot of land ad measuring 4 Bighas and the petitioner is not entitled to anticipatory bail.

5. I have considered the submissions at the bar with circumspection. I therefore, deem it proper to direct the petitioner to appear before the learned Trial Court who may consider the petitioner's prayer for bail in accordance with law.

6. Petition is rejected at this stage.

7. In terms of the above observation, this Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant