

GAHC010092252024



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

Case No. : Bail Appln./1357/2024

SAPIAR RAHMAN @ SAPIUR RAHMAN AND ANR.
S/O LT. SAMSUL HOQUE
VILL- CHOTO BASHJANI
P.S. AND DIST. DHUBRI, ASSAM
PIN-783301

2: SAFIQUUL ISLAM @ SAFIKUL ISLAM
S/O KOHILILUR ROHMAN
VILL- JOYPUR
ROWMARI
P.S. BAGUAN
P.O. JOYPUR BAZAR
DIST. GOALPARA
ASSAM
PIN-78312

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

16.07.2024

1. Heard learned counsel Mr. M. Hoque for the petitioners namely (i) Sapiar rahman @ Sapiur Rahman, and (ii) Safiquil Islam @ Safikul Islam.
2. This application has been filed by the petitioner under Section 439 of the Cr.PC with prayer for bail as they are behind bars since 19.05.2023 in connection with Special NDPS Case No. 88/2023, registered under Section 22©/29 NDPS Act r/w Section 13 Drugs and Cosmetics Act, 1940 which is pending before the Special Judge, Goalpara.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. It is submitted on behalf of the petitioners that they are languishing in the jail for 1 year 2 months, and only 6 out of 9 witnesses have been examined. The petitioners are highly prejudiced as their personal liberty is curtailed due to incarceration. The seizure witnesses have not supported the prosecution case and the petitioners are entitled to bail despite embargo under Section 37 of the NDPS Act.
5. Learned Additional Public Prosecutor has raised objections stating that the petitioners are booked under a serious offence. 720 bottles of phensedyl along with 11520 yaba capsules have been seized in connection with this case.
6. I have considered the submissions at the Bar with circumspection.
7. I have considered the submissions of the learned Additional Public Prosecutor that although the seizure witnesses have not supported the

prosecution case, yet the evidences of the Investigating officer will unearth the conduct of the petitioners.

8. This case is also at the fag end of the trial. At this juncture, it cannot be considered that the personal liberty of the petitioners have been curtailed due to prolonged incarceration. It appears that the trial may be adversely affected and protracted, if the petitioners are admitted to bail.

9. Considering all aspects and in view of my foregoing discussions, I am constrained to reject the bail petition at this stage.

10. The Trial Court is directed to expedite the trial for speedy disposal of the case.

JUDGE

Comparing Assistant