

GAHC010098972024



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

**Case No. : Bail Appln./1458/2024**

ABUL HUSSAIN KHAN  
S/O JAHAR ALI KHAN  
R/O GOROIMARI  
P.S. AND DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : MS B GOGOI, MS. P GHOSH, MR J K Bhuyan

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 05.11.2024**

Heard Mr. J.K.Bhuyan, learned counsel for the petitioner and Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Abul Hussain Khan** has prayed for grant of bail in connection with **Special (NDPS) Case No. 161/2022** pending in the court of learned Sessions Judge—

cum-Special Judge, Karimganj (Bazaricherra P.S. Case No.201/2022) under Section 20 (b) (ii)(c)/25/29 of NDPS Act.

The allegation in the FIR dated 21.11.2022 reveals that during a Naka checking at the naka check point of Churiabri, the informant and his staff recovered and seized 410 kgs of suspected ganja from a secret chamber of the truck bearing Registration No. HR 55P 6819.

The learned counsel for the petitioner submits that the petitioner has been languishing in judicial custody since his arrest on 23.11.2023. It is submitted that though Charge sheet was submitted on 28.02.2022 but till date charge has not been framed. One of the co-accused has been absconding and warrant of arrest has been issued against the said co-accused. Considering the length of detention, petitioner may be enlarged on bail.

The learned Addl.P.P. on the other hand submits that charge has not yet been framed due to absence of the co-accused.

Having heard the learned counsel for the parties and on perusal of the scanned copy of the trial court records, it reveals that in connection with the present case, one of the co-accused is absconding and warrant of arrest has been issued against the said accused.

In view of the above facts and circumstances, learned trial court is directed to split up the matter against the accused who is available before the court and will proceed with the case in accordance with law.

This disposes of the bail application.

**JUDGE**

**Comparing Assistant**