

GAHC010103482024



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

Case No. : Bail Appln./1517/2024

GIAS UDDIN
S/O ABDUL HOQUE
R/O VILL- PHULBARI, KHADIMPARA
P.S. CHOURAIBARI
DIST. DHARMANAGAR, TRIPURA

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 26.06.2024

- 1.** Heard Mr. A. Ahmed Rahman, learned counsel for the petitioner. Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State Respondent.

- 2.** Learned counsel for the Petitioner has submitted that in this case, the petitioner who was arrested for an accusation of possessing 568 grams of suspected heroin is detained behind the bars since 17.10.2023.
- 3.** Learned counsel for the petitioner has prayed for an interim bail to the petitioner on the grounds that the petitioner, namely, Gias Uddin, is diagnosed with Cholelithiasis and is undergoing treatment at Silchar Medical College & Hospital.
- 4.** It is submitted by learned counsel for the petitioner that in the District Jail Karimganj, the facility of post-surgical treatment is not available in the jail hospital and hence, on that ground itself, he has prayed for grant of interim bail to the present petitioner.
- 5.** In this regard, by earlier orders of this Court, a report was called for from the Superintendent, District Jail, Karimganj, which has been received.
- 6.** On perusal of the report received from the Medical and Health Officer, District Jail Karimganj, through the Superintendent, District Jail Karimganj, it appears that the petitioner, Gias Uddin has been diagnosed with Cholelithiasis at Silchar Medical College & Hospital and his surgery has been planned and it is fixed on 18.07.2024.
- 7.** Since the state is providing treatment for the ailment which the petitioner is suffering and his surgery has also been planned on 18.07.2024, on that ground, this Court is not inclined to grant any interim bail or bail in this case as the embargo of Section 37 of the NDPS Act, 1985 is applicable to this case considering the huge quantity of contraband seized in this case.

- 8.** This bail application is therefore, dismissed. However, considering the medical condition of the petitioner, it is hereby directed that if post-surgical care is not available in the Karimganj Jail, the petitioner shall be provided with necessary post-surgical care in the Silchar Medical College & Hospital where his surgery is planned on 18.07.2024.
- 9.** Let a copy of this order be furnished to the Superintendent District Jail, Karimganj for necessary compliance.
- 10.** With above observation, this bail application is disposed of.

JUDGE

Comparing Assistant