

GAHC010104892024



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

Case No. : AB/1383/2024

MD. SIRAJUL ISLAM
S/O MD. KASHIM ALI, R/O CHARAIBAHI MUSLIM GAON, P.O.-
CHARAIBAHI, P.S.-JORHAT, DIST- JORHAT, ASSAM, PIN-785616

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. U K DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 25.06.2024

Heard Mr. U. K. Deka, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This is an application filled under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Pulibor Police Station Case No.51/2024, under Section 21(b) of the Narcotic Drugs and Psychotropic

Substances Act, 1985.

The Case Diary has been received and I have perused the same.

It is submitted by Mr. Deka, learned counsel for the petitioner that the present petitioner is innocent and he is not at all involved in the alleged offence and nothing has been recovered from his possession, though, his house was searched during the investigation. He further submitted that, while, rejecting the anticipatory bail prayer of the co-accused by the learned Trial Court, the said arrested co-accused had not mentioned the name of the present petitioner, rather, it has been submitted that he used to buy the drugs from various persons, and thus, it is seen that the present/petitioner is no way involved in the alleged offence. However, he is ready to co-operate with the Investigating Officer with further investigation of this case, if he is granted with the privilege of pre-arrest bail.

In the context, Mr. Sharma, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials available against the accused/petitioner. Also, the co-accused person had mentioned the name of the accused/petitioner and he stated that he used to purchase the contraband from him for sell and also for self consumption. Accordingly, he raised objection and submitted that it is not at all a fit case to extend the privilege of pre-arrest bail to the accused/petitioner.

Considering the submissions made by the learned counsels for both sides, I have perused the case record along with the case diary, wherefrom, it is seen that the accused/petitioner along with some other accused persons are the kingpin of the entire crime and the arrested accused person mainly used to buy

the contraband from the present/petitioner along with some others. Thus, considering the incriminating materials available in the Case Diary, I find that custodial interrogation of the accused/petitioner will be required for further investigation and to unearth some more facts of the case and hence, I do not find it a fit case to grant the privilege of pre-arrest bail to the accused/petitioner and accordingly, the same stands rejected.

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

Send back the Case Diary.

JUDGE

Comparing Assistant