

GAHC010106612024



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

Case No. : Bail Appln./1559/2024

DALIM SHEIKH
S/O IMAM HUSSAIN, R/O VILL- MATHA BHONGA, P.S.-KALIACHAWK, P.O.-
NABINAGAR, DIST- MALDA, WEST BENGAL, PIN-736146

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN, MR S S ALI, S W HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.08.2024

Heard Mr. M.Husain, learned counsel for the petitioner as well as Mr. R.J.Baruah, learned Addl. P.P., Assam for the State respondent.

By this petition filed under Section 439 Cr.P.C., the accused-petitioner, namely, **Dalim Sheikh** has prayed for grant of bail in connection with NDPS Case No.

95/2022 pending in the court of learned Addl. Sessions Judge No. 3, Kamrup (M) at Guwhati arising out of Garchuk PS Case No. 800/2021 under Section 21 (C)/29 of NDPS Act.

The matter relates to recovery of 2.56 Kgs of heroin from the possession of the present petitioner and another co-accused namely, Md. Dilwar.

Scanned copy of the case record is received.

The learned counsel for the petitioner submits that the petitioner is a helper by profession and he is not aware as to who had kept the suspected drugs in the vehicle/ truck as alleged in the FIR as well as in the charge sheet. The petitioner has been detained in judicial custody for more than two years 8 months and as such, considering length of detention, he may be enlarged on bail.

Learned Addl. P.P. submits that all the witnesses in the case have been examined by learned trial court and as such, petitioner may approach before the trial court.

Having heard learned counsel for the parties and perusal of the case records, it reveals that charge has been framed against the present petitioner and co-accused namely, Md. Dilwar under Section 21 (c)/29 of NDPS Act. However, the co-accused was allowed to go on interim bail by the learned trial court but he did not surrender after completion of interim bail period.

In view of the above aspects, as the co-accused is absent for a long time, petitioner may approach before the learned trial court to split up the matter against the other accused person and learned trial court shall record the statement of the accused. However, prayer for bail is rejected at this stage.

In the event of filing any bail application, learned trial court shall consider the matter in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant