

GAHC010109142024



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

Case No. : AB/1442/2024

DIPANKAR BARMAN
S/O MONGLU BARMAN, R/O VILL- NACHANKUTI, P.S.-BONGAIGAON,
DIST-BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MRS. B GOGOI, MR. S RANA, MS M BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 16.09.2024

Heard Mr. G. Chamuah, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

2. By this second petition filed under Section 482 of the Bharatiya Nagarik

Suraksha Sanhita, 2023, the petitioner, namely, **Dipankar Barman**, has prayed for granting pre-arrest bail, apprehending arrest in connection with Bongaigaon P.S. Case No. 22/2024 registered under Section 20(b)(ii)(B)/29 of NDPS Act r/w Section 4 of Assam Ganja and Bhang Prohibition Act.

3. It is submitted by the learned counsel for the petitioner that the petitioner is no way connected with the alleged offence. The contraband recovered from a vehicle which belongs to someone else. In connection with the fact, he has sworn an additional affidavit by stating that the owner of the said vehicle was Aynal Hoque from whom the alleged contraband was recovered and the said Aynal Hoque has already been arrested. It is further stated that the petitioner is a daily wage earner and sometime he used to drive the said vehicle for which the petitioner has been implicated in the case. Considering the background of the case, the benefit of pre-arrest bail may be extended to the petitioner.

4. On the other hand, Mr. Sarma, learned Additional Public Prosecutor has furnished the case diary and has submitted that the petitioner was found in the vehicle along with one Aynal Hoque who has sold the said vehicle to the present petitioner. It is further stated that sufficient incriminating material is available in the case diary against the present petitioner, so, bail may not be granted to the petitioner at this stage.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary. On perusal of the case diary, it appears that one Aynul Hoque was the owner of the vehicle bearing No. AS 01 BG 5580 and he sold the said vehicle to the present petitioner from which such contraband items were recovered. On the other hand, the petitioner has not cited any new ground for moving the instant pre-arrest bail application.

6. In view of above, this Court is not inclined to grant the privilege of pre-arrest bail to the petitioner. Therefore, the benefit of pre-arrest bail may not be considered to the petitioner and prayer is **rejected** accordingly. It is directed to the petitioner to surrender before the court of jurisdictional Magistrate.
7. The pre-arrest bail application stands disposed of.
8. Return the case diary.

JUDGE

Comparing Assistant