

GAHC010114132024



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

Case No. : AB/1503/2024

MONOWAR ALI
S/O LT. MAZIBOR RAHMAN
R/O KALDOBA PT. III
P.S. AGOMANI
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

25.06.2024

Heard Mr. M. Kalita, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

This application filed 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 Agomani P.S. Case No. 41/2024 under Sections 21(a)/27/29 of NDPS Act.

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

It is submitted by the learned counsel for the petitioner, Mr. Kalita that from the possession of the present petitioner a small quantity of contraband has been recovered and the said contraband was weighted approx. 4.4 grams with the container and 0.22 grams without the container. He further submitted that the petitioner had kept the said contraband only for his personal consumption and thus, he is not at all involved in the alleged offence as stated in the FIR. However, the petitioner is ready and willing to co-operate the IO in further investigation of the case, if he is granted the privilege of pre-arrest bail.

In this regard, Mr. Sarma, learned Additional Public Prosecutor has submitted that from the materials available in the Case Diary, the statement of the co-accused revealed that the accused/petitioner used to sell the narcotic drugs to the other co-accused persons and villagers. He further submitted that the case is at the investigation stage and apart from that the FSL report has not yet been received from the concerned authority. Accordingly, at this stage he

raised objection in granting the privilege of pre-arrest bail to the accused/petitioner.

After hearing the submission made by the learned Advocates of both sides as well as perusing the Case Diary, it is seen that the accused/petitioner is not a drug consumer, but he is a drug peddler and in this regard, other culprits are yet to be booked in connection with this case and thus, I find that custodial interrogation of the accused/applicant may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case, where, the privilege of pre-arrest bail can be granted to the accused/petitioner at this stage and accordingly, the same stands rejected.

In view of above, this Anticipatory Bail application stands disposed of.

Case Diary be returned.

JUDGE

Comparing Assistant