

GAHC010114892024



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

Case No. : Bail Appln./1670/2024

GULENUR ISLAM @ DHAN ALI
S/O MAFIZUDDIN AHMED,
R/O VILL- MOLLAPARA, P.S. MONGALDOI, DIST. DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K R PATGIRI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 23.07.2024

Heard Mr. M.Khan, learned counsel for the petitioner as well as Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Gulenur Islam @ Dhan Ali** has prayed for grant of bail in connection with **Special (N) Case No. 10/2024** pending in court of learned Special Judge, Darrang, Mangaldai (Sipajhar P.S. Case No.323/2023 under Section 22 (C) of NDPS Act.

The learned counsel for the petitioner submits that earlier bail petition of the present petitioner was rejected by this court. It is the second bail application. No contraband item

was recovered from the possession of the petitioner. Charge sheet has been laid against six accused persons out of which four co-accused were arrested and two are absconding due to which the proceeding of the case is delayed. Charge has not yet been framed. Accused petitioner has been languishing in judicial custody for last 339 days since his arrest on 09.10.2023 and as such, considering length of detention, the petitioner may be enlarged on bail.

Learned Addl.P.P. submits that there is incriminating materials against the petitioner. Commercial quantity of YABA tablets were recovered from a vehicle in which the petitioner was a mechanic. As trial has not yet been started, there is no question of granting bail to the petitioner at this stage.

I have perused the trial court record. It appears that charge sheet has been laid on 12.03.2024 against six accused persons showing two accused persons as absconders and NBWA was issued against them. The petitioner along with three other co-accused were arrested in this case.

In view of above and without going into the merits of the case, learned trial court is directed to split up the matter against the arrested accused persons and start the proceeding of the trial in accordance with law.

Bail application is disposed of accordingly.

JUDGE

Comparing Assistant