

GAHC010124392024



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

Case No. : Bail Appln./1811/2024

ASADUL ALI
S/O HATEM ALI
R/O AHMEDPUR BLOCK
ISLAMPUR GAON
P.S.LALUK
DIST.LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17.07.2024

Heard Mr. M. Hoque, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for granting bail to the accused/petitioner, who has been arrested in connection with North Lakhimpur P.S. Case No. 126/2024, under Sections 21(b)/29 of the NDPS Act, 1985, corresponding to GR Case No. 326/2024.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Hoque, learned counsel for the petitioner, that the present accused/petitioner is innocent and he is no way connected in the alleged offence. However, he was arrested in connection with this case only on the basis of statement made by the co-accused persons. He is behind the bar for last 44 days and hence, considering his length of detention, he may be enlarged on bail. Further he submitted that nothing has been seized from the possession of the present accused/ petitioner and more so, the I.O. got sufficient time for his custodial interrogation.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that the present accused/petitioner is a drug dealer and he used to deal with the business of drugs and supply the same to the other persons as well as the other co-accused persons. From his statement and the statement of the other accused persons as well as the witnesses, it reveals that he is a drug supplier who deals with the business of drug to various parts of Assam. Accordingly, the learned Additional Public Prosecutor has submitted that this is not a fit case to enlarge the accused/petitioner on bail at this stage.

After hearing the submissions made by the learned counsels for both sides, I have perused the case record and it is seen that the present accused/petitioner is the kingpin of the entire crime and he used to deal with the business of drugs and supply the drugs in different parts of Assam, especially in Lakhimpur District of Assam as well as in the State of Arunachal Pradesh. Thus, considering the materials available in the Case Diary and the progress of the investigation, I find that it is not a fit case to allow the accused/petitioner to go on bail at this stage as the probability of absconding and hampering and tampering with the further investigation also cannot be denied at this stage. Consequently, the present bail application stands rejected.

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

JUDGE

Comparing Assistant