

GAHC010125572024



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

Case No. : Bail Appln./1835/2024

HASHEM ALI PARAMANIK @ HASHEM ALI PARAMANIK
S/O LT. SAMSUL HOQUE PRAMANIK
VILL- DALSINGERALGA PT.II
P.S. GAURIPUR, DIST. DHUBRI, ASSAM, PIN-781035

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD. A HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23.07.2024

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

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the accused/ petitioner, who has been arrested in connection with Gauripur P.S. Case No. 111/2024, under Sections 21(b)/ 22(c)/29 of NDPS Act, corresponding to GR No. 386/2024.

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

4. It is submitted by Mr. Hussain, learned counsel for the petitioner, that the present accused/petitioner is innocent and he has been falsely implicated in this case. He further submitted that from the seizure list, it reveals that the contraband, which was alleged to have been recovered from the possession of the accused/petitioner, is below the commercial quantity. More so, he is behind the bar since 14.04.2024 and thus, the I.O. got ample opportunity to interrogate the present accused/petitioner keeping him behind the bar. However, he is ready and willing to co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of bail.

5. In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials collected by the I.O. against the present accused/ petitioner showing his directed involvement in the alleged offence and alleged contraband was recovered from the possession of the present accused/petitioner. The case is still under investigation and hence, it is not a fit case to enlarge the accused/petitioner on bail. More so, some other culprits are yet to be booked in connection with this case and hence, further custodial interrogation of the present accused/petitioner may be necessary and accordingly, he raised objection.

6. Considering the submissions made by the learned counsels for both sides, I have also perused the Case Diary and it is seen that there are sufficient incriminating materials against the present accused/petitioner apart from the recovery of the contraband from the possession of the accused/petitioner. Further it is seen that the investigation is still under progress and hence, I do not find it appropriate to allow the accused/ petitioner to go on bail at this stage as some of the other culprits are yet to be booked in connection with this case and further investigation may unearth some more facts involved in this case.

7. In view of above and also considering all aspects of the case, I find it not a fit case to extend the privilege of bail to the accused/petitioner at this stage and accordingly, the same stands rejected.

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

JUDGE

Comparing Assistant