

GAHC010129942024



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

**Case No. : AB/1699/2024**

NARAYAN CHANDRA MONDAL  
S/O SRI PALAN CHANDRA MANDAL, R/O WARD NO. 6, ABHAYAPURI  
TOWN COMMITTEE, P.O.-ABHAYAPURI, P.S.-ABHAYAPURI, DIST-  
BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. N N JHA, MS P DAS, MS M SAHOO

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**22-10-2024**

Heard Mr. N N Jha, learned counsel for the petitioner and Ms. S B Hazarika, learned Additional Public Prosecutor, Assam for the State.

**2.** By this application under Section 438 CrPC, the petitioner, namely, **Narayan Chandra Mandal**, son of Sri Palan Chandra Mandal, resident of Ward No. 6, Abhayapuri Town Committee, Police Station-Abhayapuri, District-Bongaigaon has prayed for his pre-arrest bail in Special (N) Case No. 217(A)/2023 arising out of Abhayapuri Police Station Case No. 297/2023 registered

under Sections 20(b)(ii)(C) of the NDPS Act, 1985.

**3.** It is submitted by the petitioner that he is no way connected with the case and he has no past criminal antecedent and that as the arrested accused person of said Abhayapuri P.S. Case No. 297/2023 falsely implicated him, police named him in the Charge-Sheet filed on 31.08.2023 vide No. 322/2023 relating to said Abhayapuri P.S. Case.

**4.** Perused the records of the case that was called for from the Court of the learned Special Judge (NDPS), North Salmara, Abhayapuri.

**5.** It is seen from the records of the case that on the basis of special information that the FIR named accused person, namely, Arun Barhoi was involved in procuring and selling of psychotropic substances at Garodokan under Abhayapuri Police Station and used to store huge quantity of psychotropic substances in his house, on being duly authorized, the complainant of the case raided the house of said FIR named accused Arun Barhoi and recovered 2.319 KGs of Ganja (Cannabis) from the possession of the said accused person and accordingly, the FIR was registered on 27.06.2023 and he was arrested on 27.06.2023 itself.

**6.** The FSL report dated 22.08.2023 relating to the seized psychotropic substances from the house of the arrested accused person Arun Barhoi gave positive test for Ganja (Cannabis).

**7.** Case record reveals that the accused person of said Abhayapuri P.S. Case No. 297/2023 Arun Barhoi stated before the police that he is suffering from paralysis and is involved in selling of such psychotropic substances since more than 10 years that are supplied to him at his house by the present petitioner and that by selling such psychotropic substances he is managing his life and also purchasing his medicines from such sale of Ganja (Cannabis).

**8.** During investigation of the case, though police on many occasions visited the house of the petitioner, he evaded them and the wife of the petitioner was accordingly informed that the petitioner should report to the concerned police station. But, the petitioner avoided from appearing before the police.

**9.** After investigation of the matter, finding sufficient incriminating materials against the arrested accused person Arun Barhoi and the petitioner, police in said Abhayapuri P.S. Case No. 297/2023 submitted Charge-Sheet on 31.08.2023 vide No. 322/2023 against said Arun Barhoi and the present petitioner under Section 20(b)(ii)(C) of the NDPS Act, 1985.

**10.** It is seen from the records of the case that on 18.12.2023 cognizance of the offence under Section 20(b)(ii)(C) of the NDPS Act, 1985 was taken against said Arun Barhoi and the present petitioner in said Special (Narcotics) Case No. 217(A)/2023 arising out of Abhayapuri P.S. Case No. 297/2023. Though after his release on bail on 23.08.2023 said Arun Barhoi continued to appear before the learned Special Judge (NDPS), but the petitioner is yet to appear before the learned Special Judge (NDPS), though summon has already been issued to him way back on 18.12.2023 after taking cognizance of the offence.

**11.** Considering the incriminating materials found in the case records regarding the involvement of the petitioner in the alleged crime, this Court is of the view that this is not a fit case to grant pre-arrest bail to the petitioner, named above, in said Special (N) Case No. 217(A)/2023 arising out of Abhayapuri Police Station Case No. 297/2023.

**12.** Accordingly, this pre arrest bail of the petitioner, stands rejected.

**JUDGE**

**Comparing Assistant**