

GAHC010134512024



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

Case No. : AB/1729/2024

MUKIBUR RAHMAN @ MOTIBUR RAHMAN @ LERELA
S/O LATE MOHAMMAD BAHARUDDIN, R/O VILL- SAMADARPATTY, P.S.-
NAGAON, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN, MR S A
BARBHUYAN, MS SURAYA RAHMAN, A W AMAN, MR. SURAJIT DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

01.08.2024

Heard Mr S Nawaz, learned counsel for the petitioner, Mukibur Rahman @ Motibur Rahman @ Lerela, who has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Nagaon PS Case No. 194/2024, under Sections 20(b)/25/29 of the NDPS Act, 1985.

2. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam/respondent.

3. The allegation against the petitioner is that 8.418 kgs of cannabis was found in his house.
4. It is submitted on behalf of the petitioner that the petitioner is 78 years old and it is not possible that he would indulge in such activities of selling cannabis/ganja. The petitioner's son allegedly deals in ganja and the petitioner's son has escaped during investigation and now, the petitioner is apprehending arrest.
5. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioner.
6. I have also scrutinized the Case Diary.
7. Indeed, there are incriminating materials in the Case Diary against the petitioner. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner. Petition is rejected, at this stage.
8. Send back the Case Diary.

JUDGE

Comparing Assistant