

GAHC010136562024



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

Case No. : Bail Appln./1989/2024

MOTIBUL HOQUE
S/O MAHSIN ALI
R/O VILL- TETELIGURI
WARD NO. 1,
P.S. RANGIA
DIST. KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : RAKESH DHAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

24.07.2024

Heard Mr. Rakesh Dhar, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

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 Guwahati GRPS Case No. 122/2024, under Section 21(C) of the NDPS Act.

It is submitted by Mr. Dhar, learned counsel for the petitioner, that the present accused/petitioner is innocent and he has been falsely implicated in this case. He got arrested in connection with this case only on the basis of the statement made by the co-accused and nothing has been seized from the possession of the present accused/petitioner. He is behind the bar for last 54 days and hence, considering his length of detention, he may be enlarged on bail. However, he is ready and willing to co-operate with the I.O. in further investigation of this case if he is granted with the privilege of bail.

In this context, Mr. Sharma, learned Additional Public Prosecutor, has submitted that from the materials available in the Case Diary, it is seen that the other co-accused got arrested in connection with this case and he was suppose to deliver the drugs to the present petitioner, but on his way, he got arrested and could not complete the delivery. Further he submitted that the case is at the preliminary stage of investigation and the I.O. is yet to get CDR analysis report as well as FSL report and hence, he raised objection and submitted that the bail petition for the present petitioner may be rejected at this

stage.

Considering the submissions made by the learned counsels for both sides, I have also perused the Case Diary and it is seen that the case is still under investigation and the I.O. is yet to receive the CDR analysis report viz-a-viz the FSL report from the authority concerned. In the same time, it is seen that the statement of the other witnesses are yet to be recorded in connection with this case and hence, considering this aspect of the case and the nature of allegation brought against the present accused/petitioner, I do not find it a fit case to allow the present accused/petitioner to go on bail at this stage and accordingly, the same stands rejected.

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

JUDGE

Comparing Assistant