

GAHC010146582024



2024:GAU-AS:11966

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

Case No. : AB/1930/2024

MD MONOWAR ALI
S/O LATE USMAN ALI
R/O KALDOBA PT.III, P.S. AGOMANI, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KALITA, MR. N M DAS,MR. J HATIMURIA

Advocate for the Respondent : PP, ASSAM,

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

29.11.2024

Heard Mr. M. Kalita, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre-arrest bail to the accused/petitioner in connection with Agomani P.S. Case No.41/2024 under Section 21(a)/27/29 of NDPS Act.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Kalita, that the present petitioner is not a peddler but a consumer, and only 0.22 gram of heroin was recovered from his possession, which is less than the small quantity defined under the law. Further, it is submitted that the petitioner is a permanent resident of his addressed locality and there is no chance of absconding. Accordingly, he prays for the grant of pre-arrest bail to the petitioner and also submits that he is ready to appear before the IO whenever his presence is required.

In this context, Mr. Baruah, learned Additional Public Prosecutor, submits that the FSL report gave a positive test for heroin. Initially, one co-accused was arrested in connection with this case, and thereafter, only the accused/petitioner was searched by the police. From his possession, 0.22 gram of heroin was recovered. Accordingly, he raised objection in granting the privilege of pre-arrest bail to the accused/petitioner at this stage.

After hearing the submissions made by the learned Advocates of both sides, as

well as on perusal of the Case Diary and other aspects of the case, I am of the view that this is not a fit case in which the privilege of pre-arrest bail can be granted to the accused/petitioner at this stage. Accordingly, the same stands rejected.

In view of above, this Anticipatory Bail application stands disposed of.

Case Diary be returned.

JUDGE

Comparing Assistant