

GAHC010150482024



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

Case No. : AB/2011/2024

NAZBIDUR HUSSAIN
S/O MD. RIYAJUL HUSSAIN
R/O ISLAMPUR, MERAPANI
P.O.AND P.S. MERAPANI
DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. T J MAHANTA, MR. A BORUA, MS. P BHATTACHARYA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

11-11-2024

Heard Mr. T. J. Mahanta, learned Senior Counsel assisted by Mr. T. Gogoi, learned counsel for the petitioner and Ms. S. H. Borah, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending his arrest, the petitioner, namely, **Nazbidur Hussain**, son

of Md. Riyajul Hussain, resident of Islampur, Merapani, P.O & P.S.-Merapani, District-Golaghat has filed this application under Section 482 of the BNS, 2023 seeking pre-arrest bail in **Merapani P.S. Case No. 20/2024** corresponding to G.R. No. 258/2024 registered under Sections 21(C)/29 of the NDPS Act.

3. As per the FIR dated 27.05.2024, the case is that on 27.05.2024 on the basis of reliable information received from Additional Superintendent of Police, Crime, Golaghat, that a consignment of huge quantity of drugs is coming from Dimapur to Merapani, GD Entry No. 29 dated 27.05.2024 was made at Merapani Police Station and police personnel from said police station with due authorization proceeded to Changkhati Chariali and on reaching the location in the early morning at 06:40 AM wherein, a Naka Checking was set up. At around 07:00 AM a white colour Mahindra Bolero Vehicle bearing Registration No.AS-05-Q-9697 was signaled and stopped at Changkhati Chariali for necessary checking. Police personnel detained the FIR named four accused persons and on they being searched by police following due procedure nothing was recovered from their physical possession. However, from the dickey of said white colour Mahindra Bolero Vehicle bearing Registration No.AS-05-Q-9697, 40 packets of suspected heroin weighing about 494.32 grms hidden in soap cases and one packet of suspected heroin packed with polythene weighing about 11.18 grms, in total 505.5 grms of suspected heroin was found from the dickey of the said white colour Mahindra Bolero Vehicle bearing Registration No.AS-05-Q-9697. Accordingly, those four persons coming in the said white colour Mahindra Bolero Vehicle were apprehended and taken into custody.

4. Police visited the house of the petitioner, who is the registered owner of the said white colour Mahindra Bolero Vehicle, seized in connection with said Merapani P.S. Case No. 20/2024 and apprehending his arrest, he has filed this

pre-arrest bail application.

5. From the case diary placed before the Court today by Ms. Borah, learned Addl. PP, Assam, it is seen that the arrested accused persons of the case have stated that they used to take the said vehicle on hire basis and used to procure drugs/NDPS items from different places.

6. Case diary reveals that the petitioner's said white colour Mahindra Bolero Vehicle bearing Registration No.AS-05-Q-9697 was hired by the arrested accused persons. The note of the Investigating Officer of the case also indicated that one of the arrested accused person, namely, Tofik Ali hired the said vehicle of the petitioner and that the petitioner is no way connected with the illegal activities of procuring NDPS items.

7. Considering such materials in the case diary, the Court is of the view that custodial detention of the petitioner is not warranted for investigation of said Merapani P.S. Case No. 20/2024 and as such, this pre-arrest bail application of the petitioner in said Merapani P.S. Case No. 20/2024 is accepted.

8. Accordingly, it is provided that in the event of arrest of the petitioner, namely, **Nazbidur Hussain**, son of Md. Riyajul Hussain in said Merapani P.S. Case No. 20/2024 he shall be released on bail on furnishing a bail bond of Rs.30,000/- with two local sureties of the like amount, to the satisfaction of the arresting authority on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said Merapani P.S. Case No. 20/2024 during the office hours **on or before 20.11.2024**, and thereafter, as and when he is required for necessary investigation of said Merapani P.S. Case; **(ii)** shall not leave the territorial jurisdiction of the Merapani Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)**

shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and further **(v)** shall not involve himself in any criminal activity in future.

9. Any violation of the aforesaid terms and conditions by the petitioner, named above, the pre-arrest bail granted to him in the aforementioned **Merapani P.S. Case No. 20/2024** shall stand automatically vacated.

10. This pre-arrest bail application accordingly stands disposed of.

11. Return the case diary.

JUDGE

Comparing Assistant