

GAHC010147402024



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

Case : AB/2018/2024

JITEN BISWAS
S/O LATE ROSOMA BISWAS
R/O VILL- NO. 2 PARBOTIPUR
P.S.-LALUK
DIST-LAKHIMPUR

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. J C GOGOI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

02.09.2024

Heard Mr. J. C. Gogoi, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 482 of the BNSS, 2023 the accused-petitioner, namely, **Jiten Biswas**, has prayed for grant of bail who is apprehending arrest in connection with **Laluk P.S. Case No.107/2024** under Sections **21(b)/29 of NDPS Act (Corresponding to G.R. Case No. 491/2024)**.

The matter relates to recovery and seizure of 133 grams of heroin from the house of the accused petitioner which falls under intermediate quantity.

According to the learned counsel for the petitioner, the petitioner is not a drug paddler but a drug addict and at the time of search, the arrested accused person, Saman Biswas went to his house to deliver such items. It is further submitted that 133 grams of suspected heroin recovered from the house of the accused petitioner and he was not present at the time of recovery of such contraband. In view of the above, benefit of pre-arrest bail may be extended to the petitioner.

Mr. Baruah, learned Additional Public Prosecutor has submitted that case diary has been received without the FSL report. He further submitted that intermediate quantity of suspect heroin was recovered from the house of the petitioner and the case is pending for submission of FSL report. He objected in granting bail to the petitioner who is the drug peddler and involved in trafficking of drugs in the locality.

I have heard the learned counsel for both the parties and perused the case diary.

Perusal of case diary reveals sufficient incriminating material against the petitioner.

Therefore, this Court finds it not a fit case to grant the privilege of pre-arrest bail to the petitioner.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant