

GAHC010155762024



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

Case No. : AB/2029/2024

ZARJINA BEGUM @ JARJINA BEGUM
W/O MD. AZAD KHAN, R/O PUBERON PATH, BAGHARBOR, P.S.-SATGAON,
DIST- KAMRUP (M), GUWAHATI

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K SAHARIA, MS K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 21.08.2024

Heard Mr. P.K. Saharia, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

2. By this petition filed under Section 482 of the Bharatiya Nagarik

Suraksha Sanhita, 2023, the petitioner, namely, **Zarjina Begum @ Jarjina Begum**, has prayed for granting pre-arrest bail, apprehending arrest in connection with Spl(N) Case No. 10/2024 (arising out of Sipajhar P.S. Case No. 323/2023) under Section 22(c) of NDPS Act, pending before the court of learned Special Judge, Darrang, Mangaldai.

3. It is submitted by the learned counsel for the petitioner that the petitioner, who is shown as an absconder in the charge-sheet, is actually present at her residence at the provided address. It is also submitted that the police never visited her house. The petitioner has a minor child who is about 2 years old. Considering the fact as well as nature of offence, benefit of pre-arrest bail may be extended to the petitioner.

4. On the other hand, Mr. Baruah, learned Additional Public Prosecutor has submitted that sufficient incriminating materials available in the case record against the petitioner. It is also submitted that during investigation, the petitioner is not available in her house for which she has shown as absconder in the charge-sheet. Therefore, he has prayed that the prayer of the petitioner may not be considered at this stage.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the trial court record.

6. It appears from the record that charge-sheet has been submitted against the petitioner under Section 22(C) of NDPS Act and subsequently, cognizance was also taken by the trial court.

7. In view of the above, the petitioner is directed to surrender before the learned trial court and in the event of filing any bail application,

the learned trial court will consider the matter in accordance with law.

8. The pre-arrest bail application stands disposed of.

JUDGE

Comparing Assistant