

GAHC010171062024



2024:GAU-AS:12119

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

Case No. : Bail Appln./2532/2024

HASSAN ALI
S/O LATE MUBESHWAR ALI, VILL AND P.O.-DEORALI, P.S.-BADARPUR,
DIST- KARIMGANJ, ASSAM, PIN-788806

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S B LASKAR, A. H. AHMED, MS D DUTTA, MR. H A LASKAR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

02-12-2024

Heard Mr. A S Tapadar, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Hassan Ali**, son of late Mubeshwar Ali, resident of village-Deorail, P.S.-Badarpur, District-Karimganj, is a charge-sheeted accused in Special (NDPS) Case No. 141/2023 arising out of Badarpur Police Station Case No. 294/2023 registered under Sections 21(C)/25/29 of the NDPS Act corresponding to G.R. No. 2281/2023.

3. According to the petitioner, the NDPS items were recovered from two persons, namely, Tanhaulian Lanel and Lalsangzo, both from Manipur, in the concerned Pan Shop of one Babul Hussain and that he is no way connected with the case and was outside the said Pan Shop looking at the police operation in seizing the NDPS items from the possession of the Manipuri lady inside the Pan Shop of said Babul Hussain.

4. It is also submitted on behalf of the petitioner that he has been falsely implicated in the case and languishing in the jail since 28.10.2023.

5. Perused the records of Special Case No. 141/2023 that was called for by order dated 30.08.2024.

6. The FSL report of the seized NDPS items dated 02.01.2024 gave positive test for Heroin with its percentage of 82.30.

7. As noted above, after filing of Charge-Sheet in the case and on hearing the parties, the learned Special Judge (NDPS) cum Sessions Judge, Karimganj on 03.09.2024 framed charge against the arrested accused persons of said Badarpur P.S. Case No. 294/2023, including the present petitioner.

8. From the case records, it is seen that there are sufficient incriminating materials against the petitioner with regard to his involvement in procuring and selling of NDPS items in and around Badarpur area.

9. It is also seen that after considering the case management hearing/report, the matter is now fixed on 24.02.2025 for evidence.

10. Considering such materials in the case records and that the date of evidence after farming of charge and considering the case management hearing/report has been fixed on 24.02.2024, as noted above, the bail prayer of the petitioner in said Special (NDPS) Case No. 141/2023 arising out of Badarpur P.S. Case No. 294/2023 considering his detention since 28.10.2023 stands rejected at this stage.

JUDGE

Comparing Assistant