

GAHC010171162024



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

**Case No. : Bail Appln./2533/2024**

MD SAHID AHMED @ SAHID AHMED  
S/O MONTAJ ALI, VILL- NIZ HAFANIA, P.O. AND P.S.-PATHARKANDI, DIST-  
KARIMGANJ (ASSAM)

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MS. R CHOUDHURY, MS. B. HAZARIKA, MS F N ZAMAN

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**  
**ORDER**

**05.09.2024**

Heard Ms R Choudhury, learned counsel for the petitioner, Md Shahid Ahmed, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is behind bars since 10.11.2021, in connection with Special (NDPS) Case No. 96/2021, arising out of Patharkandi PS Case No. 450/2021 under Section 22(c) of the NDPS Act.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

3. The learned Additional Public Prosecutor has raised objection stating that this case is at the fag end of trial. The IO has to be examined.
5. The learned counsel for the petitioner has submitted that the petitioner's Right to Personal Liberty has been curtailed. The petitioner has been behind bars since 10.11.2021 and his incarceration militates against the double pronged conditions of Section 37 of the NDPS Act.
6. I have considered the submissions at the Bar with circumspection. I have also scrutinized the scanned copies of the Trial Court Record.
7. It is true that the petitioner has been behind bars since 10.11.2021, i.e., for more than 2 years 10 months. The record also reveals that this case is at the fag end of trial.
8. It appears that the IO has not appeared before the trial Court. The learned trial Court has not procrastinated this case. Every endeavour has been made to secure the attendance of the IO. Even bailable warrant has also been issued against the IO, but the erring official has failed to appear before the learned trial Court. It would not be justified to grant bail to the petitioner, at this stage of trial.
9. It appears that trial may be adversely affected if the petitioner is admitted to bail at this stage. The petitioner is facing trial for transportation of 8000 Yaba Tablets, and as the trial is about to be completed I am constrained to reject the petition, at this juncture.
10. Petition is rejected at this stage.

11. The trial Court is directed to expedite the trial for the speedy disposal of the case.

**JUDGE**

**Comparing Assistant**