

GAHC010171282024



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

Case No. : AB/2303/2024

JAKIR HUSSAIN @ JAKIR ALI
S/O ALA UDDIN, R/O VILL- UTTAR BANDARKUNA BLOCK-II, P.S.-
PATHERKANDI, DIST- KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER, MR E HUSSAIN, MR. A ISLAM
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

13.11.2024

Heard Mr. L. R. Mazumder, learned counsel appearing for the accused petitioner as well as Mr. D. Das, learned Addl. P.P., Assam.

This petition under Section 482 of BNSS, is filed for granting the privilege of pre-arrest bail to the petitioner, namely, **Jakir Hussain @ Jakir Ali** apprehending his arrest in connection with **Patharkandi P.S. Case No. 248/2022** registered u/s **21(b)(ii)(C)/29 of NDPS Act.**

It is submitted by the learned counsel for the petitioner that nothing was recovered from the possession of the accused petitioner. As per FIR the alleged gunny bags were with the co-accused, Amir Uddin and the present petitioner was only accompanied him. So, the petitioner is no way connected with the alleged offence. In view of the above, benefit of pre-arrest bail may be extended to the present petitioner.

On the other hand, Mr. D. Das, learned Additional Public Prosecutor submits that charge-sheet has been laid against one Amir Uddin and the present petitioner under Section 21(b)(ii)(c)/29 of NDPS Act by showing the petitioner as absconder and the co-accused, Amir Uddin was subsequently arrested. Due to absence of the present petitioner, the trial is not progressing and NBWA was issued against him.

Considering the involvement of the present petitioner with the alleged offence, prayer for bail is rejected.

The petitioner is directed to surrender before the trial court within 10 days from today and if any bail application is filed, the same will be considered in accordance with law.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant