

GAHC010171942024



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

Case No. : AB/2241/2024

MD LITUMON HAQUE @ MUJAHID ISLAM
S/O MD. SIRAJUL HAQUE, R/O NAHARANI, P.S.-DERGAON, DIST-
GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M BISWAS, J SINGPHO

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 17.09.2024

Heard Mr. M. Biswas, learned counsel for the petitioner. Also heard Mr. B. Sarma, 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, **Md. Litumon Haque @ Mujahid Islam**, has prayed for granting pre-arrest bail, apprehending arrest in connection with Dergaon P.S. Case No. 110/2024 registered under Section 21(b) of NDPS Act, 1985.

3. It is submitted by the learned counsel for the petitioner that the petitioner is no way connected with the alleged offence. It is also submitted that no contraband item was recovered from the conscious possession of the petitioner. There is an apprehension that if the petitioner appears before the investigating officer, he may be arrested. Considering the background of the case, the benefit of pre-arrest bail may be extended to the petitioner.

4. On the other hand, Mr. Sarma, learned Additional Public Prosecutor has furnished the case diary and has submitted that the contraband was recovered from the house of the petitioner. It is further stated that sufficient incriminating material is available in the case diary against the present petitioner, so, bail may not be granted to the petitioner at this stage.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary. On perusal of the case diary, it appears that from the house of the petitioner, contraband item was seized.

6. In view of the above, this Court is not inclined to grant the privilege of pre-arrest bail to the petitioner. Hence, prayer for bail is rejected. However, the petitioner is directed to surrender before the court of the jurisdictional Magistrate or the investigating officer to facilitate the follow-up investigation.

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

8. Return the case diary.

JUDGE

Comparing Assistant