

GAHC010196672024



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

Case No. : AB/2550/2024

RUPAK BORAH
S/O S RI MANU BORAH
R/O VILL- RONGPURIA
PS. NORTH LAKHIMPUR
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S GOGOI, MS G GOGOI, MS A GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

24/10/2024

Heard Ms. A Gogoi, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Sri Rupak Borah**, son of Sri Manu Borah, resident of Village-Rongpuria, P.S. North Lakhimpur, District-Lakhimpur, has filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail apprehending his arrest in **North Lakhimpur P.S. Case No. 175/2024** registered under Sections 21(a)/29 of NDPS Act

corresponding to G.R. No. 456/2024.

3. It is seen from the FIR of the case dated 24.06.2024 that on the basis of a reliable information received from one Sub-Inspector of Police on 24.06.2024, one Md. Hibjur Ali was coming from Chutiakari Village to deliver heroin to another unknown person. Accordingly, G.D. Entry was made in the said North Lakhimpur P.S. vide G.D. Entry No. 18/2024 dated 24.06.2024. Later, with due authorization, police personnel of North Lakhimpur Police Station apprehended said Md. Hibjur Ali in front of the Grocery shop of Devkrishna Das of Chutiakari Village. During search, 7 nos. of plastic container containing suspected heroin, one Oppo smart phone, cash amount of Rs.80/- and one Yamaha FZ Bike bearing registration No. AS 07S-0699 were recovered from the possession of the petitioner and such suspected heroin was of 1.11 gm. without the containers. Accordingly, said Md. Hibjur Ali was arrested on 25.06.2024.

4. Perused the case diary placed before the Court today by Mr. Sarma, learned Additional Public Prosecutor, Assam.

5. Case diary reveals that the arrested accused person and many other drug addicts are involved in such business of NDPS items of procuring drugs from the present petitioner.

6. Considering such incriminating materials in the case diary against the petitioner with regard to his involvement in the alleged crime, the Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, namely, **Sri Rupak Borah** in said North Lakhimpur P.S. Case No. 175/2024.

7. Accordingly, this pre-arrest bail application of the petitioner, named above, in said North Lakhimpur P.S. Case No. 175/2024 stands rejected.

8. Return the case diary.

JUDGE

Comparing Assistant