

GAHC010200632024



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

Case No. : AB/2583/2024

AKBAR ALI
S/O LATE HACHAMAT ALI
R/O TENGATAL PANCHAMUKHI, P.O. AND P.S. SARUPATHAR,
DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH, MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

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

ORDER

06.11.2024

Heard Mr. K Boruah, learned counsel for the petitioner and Ms. S H Bora, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 482 of the BNSS, 2023, the petitioner, namely, **Akbar Ali**, son of Late Hachamat Ali, resident of Tengatal Panchamukhi, P.S.- Sarupathar, District-Golaghat, has prayed for his pre-arrest bail in **Uriamghat Police Station Case No. 18/2024** registered under Sections 21(c)/29 of the NDPS Act, 1985, corresponding to G.R. No. 64/2024.

3) On the basis of a specific information, police personnel from Uriamghat Police Station with due authorisation, raided the house of one Rahima Khatun and recovered 269.94 gms. of Heroin in three polythene bags concealed in the kitchen of her house from where son of the petitioner, Md. Shaha Ali and said Rahima Khatun, mother-in-law of his son were apprehended.

4) Later, both of them were arrested and they are in judicial custody till date. The arrested co-accused of the case implicated the petitioner, who happens to be the father of the arrested accused, Md. Shaha Ali.

5) Perused the case diary placed before the Court today by Ms. Bora, learned Additional Public Prosecutor, Assam.

6) From the case diary, it is seen that there are sufficient incriminating materials relating to the involvement of the petitioner in the crime of procuring and selling of NDPS items, including Heroin, though, when police searched and raided the house of the petitioner, nothing was recovered from his premise.

7) Finding sufficient incriminating materials against the petitioner with regard to his involvement in the alleged crime, more particularly, on the statement of the independent witnesses so far recorded, the Court is of the view that it is not a fit case

to grant pre-arrest bail to the petitioner, namely, **Akbar Ali**, in said Uriamghat P.S. Case No.18/2024.

8) Accordingly, this pre-arrest bail application of the petitioner, named above, in said Uriamghat P.S. Case No.18/2024 stands rejected.

9) Return the case diary herewith.

JUDGE

Comparing Assistant