

GAHC010204052024



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

Case No. : AB/2633/2024

MRINAL PATHAK
S/O HARIMOHAN PATHAK,
R/O BHAWANIPUR,
P.O. BHAWANIPUR,
DISTRICT- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, A S CHOUDHURY, MR. SURAJIT DAS, MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 06.11.2024

Heard Mr. S.Das, learned counsel for the petitioner as well as Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent.

This second application under section 482 of the Bharatiya Nagarik Surakshya

Sanhita, 2023 has been filed by the petitioner, namely **Mrinal Pathak** praying for pre-arrest bail apprehending arrest in connection with **Bazaricherra P.S. Case No. 33/ 2024** under Section 22 (c)/25 of the NDPS Act.

It may be mentioned herein that vide order dated 30.07.2024, the pre-arrest bail application of the petitioner was rejected in AB No.1291/2024.

The Case diary, as called for, is placed before the Court.

It is submitted by the learned counsel for the petitioner that the petitioner has already sold his vehicle bearing registration No. AS 28 AC 0530 from which contraband items were recovered and seized. It is further submitted that the petitioner is no way connected with the alleged offence as he has sold the vehicle.

Learned counsel for the petitioner further submitted that an agreement for sale was executed between the petitioner and one Saddam Hussain regarding selling of the vehicle. However, it is true that the vehicle has not yet transferred to Saddam Hussain and the learned counsel prays to extend the benefit of pre-arrest bail to the petitioner.

On the other hand, learned Additional Public Prosecutor has produced the case diary and submits that the petitioner is still the owner of the vehicle from which 17,800 bottles of cough syrup were recovered. At this stage, though the petitioner has stated that he has sold the vehicle but the document produced by the petitioner is only an agreement for sale not the sale deed. Hence, learned Additional Public Prosecutor has opposed in granting bail to the petitioner.

I have heard the learned counsel for both the parties and also perused the case diary.

It appears that no new ground has been shown by the petitioner in the present application and as such, this Court is not inclined to enlarge the petitioner on

bail at this stage.

Accordingly, the pre- arrest bail application stands rejected.

The pre-arrest bail application stands disposed of.

JUDGE

Comparing Assistant