

GAHC010205572023



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

Case No. : Bail Appln./3389/2023

MD NAJIR ANSARY AND ANR
S/O MD. BASIR ANSARY
R/O VILL- NAV WATALLY
P.S. PRIOAINTY
DIST. BHAGALPUR, BIHAR, (INDIA)

2: MD. CHOTO ANSARI
S/O LT. JIAUL HOQUE
R/O VILL- NAVWATALLY
P.S. PRIOAINTY
DIST. BHAGALPUR BIHAR
(INDIA)

VERSUS

THE STATE OF ASSAM
TO BE REP. BY APP, STATE OF ASSAM

Advocate for the Petitioner : MR S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28.02.2024

Heard Mr. S. Ahmed, learned counsel for the petitioners. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioners, namely, **Md. Najir Ansari and Md. Choto Ansari**, in connection with **NDPS Case No. 49(H)/2023(arising out of Lumding GRPS Case No. 06/2023)**, pending in the court of learned District and Sessions Judge, Hojai.

3. The learned counsel for the accused/petitioners submits that the petitioners have been detained in custody since 15.01.2023. It is also submitted that the delay is occurred in proceeding of this case. Under such backdrop, learned counsel for the petitioners has prayed that considering the period of detention, bail may be granted to the petitioners.

4. On the other hand, Mr. Goswami, learned Addl.P.P. has submitted that the charge has been framed on 27.07.2023. He further submitted that out of 8(eight) witnesses, 4(four) witnesses have already been examined. There is no delay in proceeding of the case. Considering the fact as well as the nature of the offence, bail may not be granted to the petitioners at this stage of trial.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the scanned copy of LCR including the statement of the witnesses recorded so far.

6. It appears that both the accused persons were arrested on 15.01.2023. Subsequently, charge-sheet has been submitted on 03.07.2023. Accordingly, charge was framed on 27.07.2023. It also appears that out 8(eight) witnesses, 4(four) witnesses have already been examined. Apparently, there is no delay in proceeding of the case.

7. In view of the above, it appears that the trial is about to complete within a short period. Situated thus, interference by this Court is not permissible at this stage.

8. Hence, prayer for bail is **rejected**. However, endeavor is made by the trial court to dispose of the matter early.

9. In view of above, the bail application stands disposed of.

JUDGE

Comparing Assistant