

GAHC010207652024



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

Case No. : AB/2680/2024

FAKRUL ISLAM
S/O MD. RAHMOT ALI, R/O PATIA PATHAR, P/S- JAMUNAMUKH, DISTRICT-
HOJAI, ASSAM, PIN-782428

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR B M DEKA, MR. Z H BORA, MR F H LASKAR (2), MR. M
ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.10.2024

Heard Mr. B.M. Deka, 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, **Fakrul Islam**, has prayed for granting pre-arrest bail, apprehending arrest in connection with Jamunamukh P.S. Case No. 26/2024 registered under Section 21(b)/29 of NDPS Act.

3. It is submitted by the learned counsel for the petitioner that the petitioner is no way connected with the alleged offence. There is no material to invoke the relevant provisions of law, failing to establish a case against the petitioner. It is also submitted that the petitioner has no knowledge about the presence of any contraband items in his residence. The petitioner is ready to co-operate with the investigation. 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 produced the case diary and raised objection against the prayer of the petitioner by stating that contraband item was recovered from the house premises of the petitioner and he managed to escape from the place while his wife had been arrested. Investigation is still in progress. Considering the nature of the offence, custodial interrogation of the petitioner is required.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

6. Considering the materials available in the case diary as well as the gravity of offence, this Court is not inclined to grant the privilege of pre-arrest bail to the petitioner. Accordingly, prayer of the petitioner is rejected. 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