

GAHC010209372023



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

Case No. : Bail Appln./3327/2023

ABUL KHAYER
S/O ASAD UDDIN
VILL- DEOBARI,
P.S. PATHARKANDI
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

29-02-2024

Heard Mr. HR Choudhury, learned counsel for the petitioner. Also heard Mr. MP Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

This is an application under Section 439 Cr.P.C. praying for bail to the petitioner, namely, Abul Khayer, who was arrested on 01.05.2022 in connection Special NDPS Case No.70/2022 (Patharkandi P.S.Case No.125/2022) under Section 22(c)/25/29 of the NDPS Act, 1985.

The learned counsel for the petitioner submits that the accused No.1 named in the FIR has already been granted bail and the petitioner has been detained in custody for more than one year. Therefore, considering the period of detention of the petitioner in custody, he may be granted bail.

On the other hand, Mr. MP Goswami, the learned Additional Public Prosecutor submits that out of seven witnesses, six witnesses have been examined so far. It is, therefore, submitted by the learned Additional Public Prosecutor, Assam that in view of the fact that out of the seven witnesses, six witnesses have already been examined, till the trial is completed, the prayer for bail of the accused petitioner may not be considered.

I have considered the submissions of the learned counsel for the parties and I have also perused the scanned copies of the trial court records.

From the records, it appears that charge was framed against the present petitioner and the co-accused on 21.02.2023. Thereafter, out of the seven witnesses, six witnesses have already been examined. Apparently, there is no delay caused in the proceeding of the trial. Considering the fact that the trial is about to complete within a short period of time, the prayer for bail of the petitioner is rejected at this stage.

However, the learned trial court i.e. learned Special Judge, Karimganj is directed to take necessary steps to dispose of the matter as expeditiously as possible preferably by fixing day to day hearing of the matter.

The bail application, accordingly, stands disposed of.

JUDGE

Comparing Assistant