

GAHC010211512024



2024:GAU-AS:11195

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

Case No. : AB/2687/2024

BINOY SAIKIA
S/O DIPTI SAIKIA
VILL- BALIOANI
P.O. AND P.S. GHILAMARA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR A KHANIKAR, R L CHUTIA, MR. P KONWAR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

18.11.2024

Heard Mr. A. Khanikar, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, praying for granting pre-arrest bail to the accused/petitioner in connection with Gerukamukh P.S. Case No. 10/2024 under Section 20(b) (ii) C of NDPS Act, 1985.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Khanikar, that the petitioner is innocent and he is no way involved in the alleged offence. The petitioner is neither the registered owner of the vehicle nor was he driving the vehicle. However, it is a fact that the father of the petitioner is the registered owner of the vehicle, and in this regard, the police are searching for him, which has led the petitioner to apprehend arrest. He further submits that the petitioner is willing to co-operate with the investigation, provided he is granted the privilege of pre-arrest bail.

In this context, Mr. Baruah, learned Additional Public Prosecutor, submits that there is sufficient incriminating material against the accused/petitioner, as he was the person driving the vehicle at the time of the incident and fled upon seeing the police. He further raised objections to granting the privilege of pre-

arrest bail to the accused/petitioner at this stage.

After hearing the submission made by the learned Advocates of both sides as well as perusing the Case Diary, I find that custodial interrogation of the accused/applicant may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case, where, the privilege of pre-arrest bail can be granted to the accused/applicant at this stage and accordingly, the same stands rejected.

In view of above, this Anticipatory Bail application stands disposed of.

Case Diary be returned.

JUDGE

Comparing Assistant