

GAHC010233072023



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

Case No. : AB/3518/2023

HABIB AHMED
S/O NOIMUL HAQUE,
VILL.- KANAKPUR, P.S.- NILAMBAZAR, DIST.- KARIMGANJ.

VERSUS

STATE OF ASSAM
REP. BY LEARNED P.P., ASSAM.

Advocate for the Petitioner : MR. R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17-02-2024

Heard Mr. R.A. Choudhury, learned counsel for the petitioner Habib Ahmed.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for pre-arrest bail as he is apprehending arrest in connection with Special NDPS Case No. 122/2021 arising

out of Nilambazar Police Station Case No. 432/2021 corresponding to GR Case No. 3617/2021 under Sections 22(c)/25/29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

3. The petitioner is willing to cooperate with the trial. The petitioner was earlier directed to appear before the trial Court vide the order of this Court dated 03.05.2023 in connection with Criminal Revision Petition No. 95/2023. It is submitted that as the petitioner was unwell and as the orders relating to appearance before the trial Court could not be communicated within the relevant time, the petitioner could not appear before the learned trial Court. At present the petitioner is praying for pre-arrest bail and the petitioner is willing to cooperate with the trial.

4. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State.

5. The learned Additional Public Prosecutor has submitted that charge sheet is yet to be submitted. The petitioner cannot be granted anticipatory bail and as the petitioner is booked under Sections 22(c)/25/29 of the NDPS Act, the petitioner is not entitled to anticipatory bail.

6. Considering all the submissions at the bar, the petitioner is directed to appear before the learned trial Court and apply for bail which may be considered by the learned trial Court as per law.

7. The prayer for Anticipatory Bail stands rejected at this stage.

In the above terms, this Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant