

GAHC010241362023



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

Case No. : AB/3606/2023

MAHIDUL ISLAM
S/O- MD. SHIRAZUK HOQUE, R/O- VILL.- BHERAGAON, P.S. AND DIST.
BARPETA, ASSAM, PIN- 781314.

VERSUS

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

Advocate for the Petitioner : MR. S H ZAMAN, MR. A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

04-11-2024

Heard Mr. A. Ahmed, learned counsel for the petitioner and Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending his arrest, the petitioner, namely, **Mahidul Islam**, son of Md. Shirazul Hoque, resident of Village – Bheragaon, P.S. – Barpeta, District -

Barpeta has filed this application under Section 438 CrPC seeking pre-arrest bail in **Basistha P.S. Case No. 594/2023** corresponding to G.R. No. 7329/2023 registered under Sections 22(c)/25/29 of the NDPS Act, 1985.

3. Earlier, the Court by order dated 18.10.2023, while calling for the case diary of said Basistha P.S. Case No. 594/2023, granted interim bail to the petitioner, named above, in said Basistha P.S. Case No. 594/2023, which was extended till date.

4. During the deliberation of the matter, Mr. B. Sharma, learned Additional Public Prosecutor, Assam on instruction, submitted that police after completion of investigation of the case has already submitted the charge-sheet in said Basistha P.S. Case No. 594/2023 vide Charge-Sheet No. 227/20024 dated 30.04.2024.

5. In view of the above, the petitioner is directed to appear before the appropriate forum/authority for his regular bail in said Basistha P.S. Case No. 594/2023 corresponding to G.R. No. 7329/2023 **on or before 08.11.2024.**

6. Till then (i.e., 08.11.2024), the petitioner shall remain on interim bail granted to him earlier on 18.10.2023 in said Basistha P.S. Case No. 594/2023.

7. Needless to say that the learned Special Court while considering the regular bail of the petitioner shall comply with the directions and observations of the Hon'ble Apex Court relating to granting of bail in NDPS matters, particularly, the observations of the Hon'ble Apex Court in the case of *State of Haryana Vs. Samarth Kumar (Criminal Appeal No. 1005/2002 with Criminal Appeal No.1006/2002)* decided on 20.07.2022 reported in (2022) 0 Supreme (SC) 1562 as well as the decision of the Hon'ble Apex Court in the case of *Anarul Sk Vs. State of West Bengal*, wherein, the order was passed last on 19.09.2024 arising

out of Special Leave to Appeal (Criminal) No.12621/2024.

8. With the above observation and direction, this pre-arrest bail application stands disposed of.

JUDGE

Comparing Assistant