

GAHC010242332023



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

Case No. : Bail Appln./3890/2023

RAIHAN UDDIN @ MOHAMMAD RAIHAN UDDIN
S/O MOHAMMAD ATOYAIMA
PERMANENT RESIDENT OF SORA MAKHA LEIKAI
P.O. KAKCHAING IRENBBAND
KAKCHING THOUBAL, MANIPUR- 795103,
PRESENT ADDRESS- H/O SAHARA BEGUM
H/NO. 04, DOLPHIN PATH,
ANANDA NAGAR,
SIX MILE,
GUWAHATI-781022

VERSUS

THE UNION OF INDIA
REP.BY THE PP, NARCOTICS CONTROL BUREAU (NCB) GUWAHATI

Advocate for the Petitioner : MR. K SINGHA

Advocate for the Respondent : SC, NCB

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 03-01-2024

- 1.** Heard Mr. K. Singha, learned counsel for the petitioner.
- 2.** The petitioner, namely, Raihan Uddin @ Mohammad Raiha Uddin has filed this application under Section 439 Cr.PC with prayer for bail as he is in bars since 16.11.2019 in connection with NDPS Case No.33/2020 registered under Sections 22(C)/29 of NDPS Act, 1985 arising out of NCB Crime Case No. 17/2019.
- 3.** Heard Mr. S.C. Keyal, learned Standing Counsel for NCB.
- 4.** It is submitted on behalf of the petitioner that the petitioner is 53 years old and he is behind bar since 16.11.2019. He is suffering from Type-2 Diabetes, Diabetic Kidney Disease, Systemic Hyper Tension and Cerebro Vascular Accident-In-forte. It is submitted that the petitioner requires constant medical care and attention as he has suffered from pressure stroke on 21.07.2022 while he was under custody and his lower body has been paralysed. The status report relating to the health condition of the petitioner was called for and it has been submitted by the jail authority. The M&HO-1 of Central Jail, Guwahati has forwarded the status report stating that the petitioner is suffering from Cerebro Vascular Accident-Infarct with Type 2 Diabetes Mellitus with Diabetic Kidney Disease with Systemic Hypertension and is on oral medications and physiotherapy since 23.12.2021. He was referred to the Medicine, Neurology, Nephrology, Endocrinology and PMRT department of Gauhati Medical College and Hospital, Guwahati at regular intervals and was provided medicines. His blood pressure is 140/80mm Hg. and his Pulse rate is 94 per minute. The right side of his body is weak and spastic. He cannot stand up without support and walk without support. He cannot feed and clean himself with the right hand. He can sit without support, but needs assistance of atleast one person to stand up.
- 5.** The learned Standing Counsel has submitted that 10 out of 12 witnesses have already been examined and the petitioner is not entitled to bail as trial has not been procrastinated by the prosecution or by the Court. There is no protraction of trial to admit the petitioner to bail.

6. I have considered the submissions at the Bar with circumspection. I have considered the health condition of the petitioner. It is submitted on behalf of the petitioner that the petitioner is unable to move his lower part of his body. He is totally paralysed and he has to move on a wheel chair. It is also submitted that the petitioner has a temporary residence in Guwahati which will address the concern of the learned Standing Counsel that the petitioner being from Manipur may evade appearance.

7. Considering the health status of the petitioner, and considering the foregoing discussions, the petitioner is granted bail of Rs. 1 lac with a local surety of like amount under the condition that the petitioner shall not leave the jurisdiction of Kamrup (M) till the completion of trial.

8. The trial Court is directed to make every endeavour to dispose of the case within 2 (two) months.

The petition is disposed of.

JUDGE

Comparing Assistant