

GAHC010242972023



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

Case No. : AB/3691/2023

SIYAB UDDIN
S/O - LT- ABDUL ROUF VILL- NIZ HATKHOLA PS- PATHARKANDI. DIST-
KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

17.02.2024

Heard Mr A Ahmed, learned counsel for the petitioner, Siyab Uddin.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Special (NDPS) Case No. 27/2023, arising out of Patherkandi PS Case No. 108/2023, registered under Sections 21(b)/25/29 of the NDPS Act, 1985

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. It is submitted on behalf of the petitioner that the petitioner's wife was apprehended with intermediate quantity of contraband. However, finally, charge sheet was also laid against the petitioner. The petitioner is willing to cooperate with the trial.
5. The trial is pending only because of the absence of the petitioner.
6. The learned counsel for the petitioner has relied on the decision of Hon'ble the Supreme Court in *Aman Preet Singh –Vs- CBI, through Director*; reported in (2021) AIR (SC) 4154, wherein it was observed that the accused was entitled to bail as he was not arrested during investigation.
7. Considering the submissions at the bar, the petitioner is directed to appear before the learned trial Court, within 10 (ten) days and apply for bail, which may be considered by the learned Court, as per law.
8. In terms of the above observations, bail petition is disposed of.

JUDGE

Comparing Assistant