

GAHC010243502024



2024:GAU-AS:12985

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

Case No. : Bail Appln./3533/2024

ABU TALEB
S/O LATE USMAN ALI, R/O VILLAGE THEKAGAON, PS. BARPETA,
DISTRICT BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

19/12/2024

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

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely, **Abu Taleb**, son of Late Usman Ali, resident of Village-Thekagaon, P.S. Barpeta, seeking bail in **Barpeta P.S. Case No. 410/2024** registered under Section 21(b) of NDPS Act, wherein he was arrested on 26.10.2024 and is in custody since then.

3. As per the FIR of the case dated 26.10.2024, on receipt of specific information about the petitioner on 25.10.2024 around 11:31 pm that he has concealed a huge amount of suspected NDPS items in his house situated at Thekagaon, it was entered into the General Diary Entry as Barpeta P.S. G.D. Entry No. 54 dated 25.10.2024. After obtaining necessary authorization, police personnel from Barpeta Police Station along with the relevant materials and the NDPS tool kit proceeded to Thekagaon village. Following the due procedure, the house of the petitioner was searched and recovered a brown colour soap case containing suspected NDPS items wrapped in black colour polythene that was kept concealed in a wooden Almirah in his house. With the help of the NDPS tool kit, said NDPS items kept in the soap case concealed in his house was weighed in presence of the independent witnesses and were found to be of 10.41 gms. (without packet) of suspected heroine. Thereafter, the petitioner was apprehended and said NDPS items was seized from the possession of the petitioner which was subsequently registered as Barpeta P.S. Case No. 410/2024 under Section 21(b) of NDPS Act.

4. The petitioner was accordingly arrested and produced before the learned Chief Judicial Magistrate, Barpeta on 26.10.2024.

5. Mr. Ahmed, learned counsel for the petitioner submitted that considering his detention in custody since 26.10.2024, he should be considered for his bail in said Barpeta P.S. Case No. 410/2024.

6. Mr. Sarma, learned Additional Public Prosecutor, Assam submitted that FSL report relating to the recovery of seized heroin from the possession of the petitioner is awaited.

7. It is seen that police personnel from Barpeta Police Station with the help of the NDPS tool kit found the seized substances to be of suspected heroin of 10.41 gms.

8. Considering such recovery of suspected heroin, a scheduled NDPS drug from the possession of the petitioner, the Court is not inclined to grant bail to the petitioner, named above, in said Barpeta P.S. Case No. 410/2024 considering his detention in custody since 26.10.2024.

9. Accordingly, this bail application of the petitioner, **Abu Taleb**, in said **Barpeta P.S. Case No. 410/2024** stands rejected.

JUDGE

Comparing Assistant