

GAHC010244042024



2024:GAU-AS:12990

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

Case No. : Bail Appln./3537/2024

MOFIDUL ISLAM
S/O ABDUL MAJID
R/O VILL- KABAITARY PT.IV,
P.S. JOGIGHOPA
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

19/12/2024

Heard Mr. M Khan, 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, **Mofidul Islam**, son of Abdul Majid, resident of Village-Kabaitary Part-IV, P.S. Jogighopa, seeking bail

in **Jogighopa P.S. Case No. 176/2024** registered under Section 21(b) of the NDPS Act, 1985 corresponding to N.G.R. No. 475/2024, wherein he was arrested on 25.10.2024 and is in custody since then.

3. As per the FIR dated 24.10.2024 lodged before the Jogighopa Police Station, the case is that on receipt of specific information from source in the evening of 24.10.2024 around 8.14 pm that the petitioner from Kabatary Part-IV under Jogighopa Police Station is selling and dealing illicit trafficking of NDPS items at his residence, the information was accordingly informed to the Officer-in-Charge of Jogighopa Police Station as well as Sub-Divisional Police Officer, North Salmara, Abhayapuri by making General Diary at Jogighopa Police Station vide G.D. Entry No. 19/2024 dated 24.10.2024. After due authorization, police personnel from Jogighopa Police Station along with investigation kit, Drug Detection Kit, electronic weight machine, seal etc. proceeded to the place of occurrence on the same evening and on reaching the place of occurrence, with due process, the house of the petitioner was searched at Village-Kabaitary Part-IV on 24.10.2024 itself and during such search of the house of the petitioner in presence of the independent witnesses (i) 10 Strips of Tramadol Hydrochloride, Acetaminophen & Dicyclomine Hydrochloride capsules containing 236 nos. of tablets and (ii) 4 nos. of small plastic containers (Vial) with suspected NDPS items (heroin) were recovered. The 236 nos. of Tramadol Hydrochloride, Acetaminophen & Dicyclomine Hydrochloride capsules in 10 Stripes is about 94.09 gms. and that the NDPS items found in 4 nos. of small plastic containers weighing about 6.19 gms. without the vial. Accordingly, Jogighopa P.S. Case No. 176/2024 under Section 21(b) of the NDPS Act, 1985 was registered against the petitioner.

4. The petitioner was produced before the Special Magistrate, North Salmara, Abhayapuri on 25.10.2024 after his arrest.

5. Perused the case diary placed before the Court today by Mr. Sarma, learned Additional Public Prosecutor, Assam.

6. Mr. Sarma, learned Additional Public Prosecutor, Assam, from the case diary submitted that after making proper inventory, the NDPS items seized from the possession of the petitioner have been forwarded to the FSL for its examination and necessary report which is awaited.

7. It is already noted above that the police personnel recovered such NDPS items from the possession of the petitioner and they proceeded to the house of the petitioner with the investigation kit, Drug Detection Kit, electronic machine and found the substances suspected to be heroin and

tablets containing Tramadol Hydrochloride, Acetaminophen & Dicyclomine Hydrochloride.

8. Considering the above, the Court is of the view that the detention of the petitioner in custody since 25.10.2024 cannot be considered for his bail in said Jogighopa P.S. Case No. 176/2024.

9. Accordingly, this bail application of the petitioner, **Mofidul Islam**, in said **Jogighopa P.S. Case No. 176/2024** stands rejected.

JUDGE

Comparing Assistant