

GAHC010245582024



2024:GAU-AS:12910

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

Case No. : Bail Appln./3530/2024

MD HASEN ALI
S/O- LATE ARSHAB ALI,
VILL- NO-2 SONAPUR, P.S- BIHPURIA, DIST-NORTH LAKHIMPUR, ASSAM,
PIN-787054

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. NOOR KUTUB ALAM, MOTIUR RAHMAN, I AMIN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

18.12.2024

Heard Mr. M Rahman, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

- 2)** By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Md Hasen Ali**, son of Late Arshab Ali, resident of village No. 2 Sonapur, Police Station-Bihpuria, District-North Lakhimpur is praying for his bail in **Bihpuria Police Station Case No. 189/2024**, registered under Sections 21(b)/29 of the NDPS Act, 1985, corresponding to G.R. No. 875/2024, wherein, he was arrested on 05.11.2024 and is in custody since then.
- 3)** Mr. M Rahman, learned counsel for the petitioner submitted that considering the recovery of the intermediate quantity of NDPS items, the petitioner should be considered for his bail in said Bihpuria Police Station P.S. Case No. 189/2024.
- 4)** Mr. M Rahman, learned counsel for the petitioner also submitted that the petitioner herein is a seizure witness in said Bihpuria Police Station P.S. Case No. 189/2024. As such, he should be released on bail in said Bihpuria P.S. Case No. 189/2024.
- 5)** Case diary is placed before the Court today by Mr. B Sarma, learned Additional Public Prosecutor, Assam.
- 6)** From the perusal of the case diary, it is revealed that earlier on 28.10.2024, a couple, i.e., husband and wife, namely, Julhas Ali @ Manik Ali, son of late Amir Ali and Musst Hamida Parvin, wife of Julhas Ali @ Manik Ali were arrested in connection with said Bihpuria P.S. Case No. 189/2024 and 12.34 gms of NDPS items were recovered from the house of said Julhas Ali @ Manik Ali.
- 7)** During investigation of the case, it was found that the said husband and wife couple used to procure such NDPS items from the petitioner. As such, the petitioner was apprehended on 05.11.2024, in said Bihpuria P.S. Case No. 189/2024 and during investigation, the petitioner pointed out another person involved in such racket of illegal trade of NDPS items, namely, Md. Ainul Hoque and on the basis of such information, the petitioner was taken to the house of said Md. Ainul Hoque, from where, said Md. Ainul Hoque was arrested on 05.11.2024 and during such

process, the petitioner was a seizure witness to the items which were recovered from the house of the accused Md. Ainul Hoque.

8) Case diary reveals sufficient incriminating materials with regard to the involvement of the petitioner in the illegal trade and transportation of NDPS items since long, in and around Bihpuria area.

9) Considering the materials in the case diary, the Court is of the view that it is not a fit case to grant bail to the petitioner, considering his detention in custody, since 05.11.2024, in said Bihpuria P.S. Case No. 189/2024, as the case diary reflects clear involvement of the petitioner in illegal trade and transportation of NDPS items.

10) Accordingly, this bail application of the petitioner, namely, **Md Hasen Ali**, son of Late Arshab Ali, in said **Bihpuria Police Station Case No. 189/2024**, stands rejected.

11) Return the case diary herewith.

JUDGE

Comparing Assistant