

GAHC010248052024



2024:GAU-AS:12430

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

Case No. : Bail Appln./3592/2024

MONIRUL ISLAM AND ANR
S/O JAHAR ALI
R/O VILL- KAWATIA, P.S. BIJNI DIST. CHIRANG, ASSAM

2: TAIJUDDIN ALI
S/O LATE RAHIJUDDIN
R/O VILL- RAKHYASINI P.S. MORNOI
DIST. GOALPARA
ASSA

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
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

09.12.2024

Heard Mr. M Khan, learned counsel for the petitioners and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 of the BNSS, 2023, the petitioners,

namely, **(i) Monirul Islam**, son of Jahar Ali, resident of Village Kawatika, P.S.-Bijni, District-Chirang and **(ii) Taijuddin Ali**, son of late Rahijuddin, resident of village Rakhyasini, Police Station-Mornoi, District-Goalpara, have prayed for their bail in **Bijni Police Station Case No. 150/2024** registered under Section 21(b)/29 of the NDPS Act, 1985, in which, they were arrested on 13.11.2024 and are in custody since then.

3) On the basis of specific information received at Bijini Police Station that one Asadul Hoque, son of late Habibor Rahman of Kawatika, under Bijni Police Station, is running an illegal trade of NDPS items on a large scale basis, spoiling the adjacent areas of Kawatika, Bagmara and Bijni town and that he has stocked huge quantities of NDPS items in his house for their secret supply to other drug peddlers, accordingly, Bijni P.S. GDE No. 385/2024 dated-12.11.2024 was made. With due authorisation, police personnel from Bijini Police Station left for the house of Asadul Hoque and on reaching his house, conducted search in it in presence of independent witnesses. During search, police found said Asadul Hoque, along with the two present petitioners and a total of 6.50 gms of suspected heroin. Police accordingly seized the said suspected heroin from the house of Asadul Hoque along with 21 (twenty one) Nos. of empty plastic vials, 9 (nine) Nos. of empty plastic khaini box, 3 (three) Nos. of mobile handsets and one 220 CC Bajaj Pulsar Motorcycle bearing Registration No. AS-19N-5886 (black colour).

4) It is submitted by Mr. M Khan, learned counsel for the petitioners, that they are no way connected with the case and that the suspected NDPS item was recovered from the house of the accused Asadul Hoque.

5) Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam,

6) It is seen from the case diary that said Asadul Hoque was earlier arrested for a similar offence, which was also connected to his involvement in a crime relating to NDPS item. But after his release on bail, he again started with the same business of illegal trafficking of NDPS items.

7) Case diary also indicates that the petitioners herein are consumers as well as drug peddlers and that they use to sell drugs in and around Kawatika, Bagmara and Bijni town since long.

8) Finding sufficient incriminating materials against the petitioners with regard to their involvement in the alleged crime and also considering the fact that investigation of the case is still going on and the FSL report of the seized suspected NDPS item is yet to be received, the Court is of the view that the detention of the petitioners, namely, **(i) Monirul Islam** and **(ii) Taijuddin Ali**, since 13.11.2024, cannot be considered for their bail in said Bijni P.S. Case No. 150/2024.

9) Accordingly, this bail application of the petitioners, namely, **(i) Monirul Islam** and **(ii) Taijuddin Ali**, in said Bijni P.S. Case No. 150/2024 stands rejected.

10) Return the case diary herewith.

JUDGE

Comparing Assistant