

GAHC010251492023



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

Case No. : AB/3796/2023

SAYFUL ISLAM LASKAR
S/O BADRUL ISLAM LASKAR
R/O VILL- SENTKETHARIN, P.O. SENTKETHARIN, P.S. SONAI,
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 30-01-2024

Heard Mr. A. M. Borbhuyan, learned counsel for the applicant and also heard Mr. B. B. Gogoi, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Special NDPS Case No. 120/2022, under Section 21(b) of NDPS Act, pending before the learned Special Judge(Addl. Session Judge, Karimganj), this application, under Section 438 Cr.P.C. is preferred by the applicant, namely, Sayful Islam Laskar for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR, lodged by one A.S.I. L. Bishuk Singha of Badarpur GRP on 19.8.2022

The essence of allegation made in the FIR dtd. 19.8.2022 is that on 19.8.2022 at about 10 PM the informant alongwith other staffs conducted checking at train No. 15612 UP (Guwahati Express) at Platform No. 1 of Badarpur Railway Station and during checking at Coach No.A-1, Seat No. 2 of the said train, they have recovered two nos. of soap cases containing two packets of suspected heroin, weighing 24.55 grams, from the possession of Sayful Islam Laskar.

Mr. Borbhuyan learned counsel for the applicant submits that after completion of investigation, the I.O. had laid charge sheet against the present applicant before the Court of learned Special Judge, Karimganj showing the applicant as absconder in the charge sheet and thereafter, the applicant had received summons asking him to appear before the learned Court below on 3.11.2023.

Mr. Borbhuyan further submits that the applicant is ready to participate in the trial and will appear before the Court below on each and every date and therefore, it is contended to allow the petition.

On the other hand, Mr. Gogoi, learned Addl. P.P. has submitted that since the charge sheet has already been submitted after completion of investigation, the applicant may be directed to appear before the learned Court below and to face the trial.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record. It appears that after completion of investigation, the I.O. had laid charge sheet against the applicant u/s 21(b) of NDPS Act and thereafter, issued summons to him fixing the matter on 3.11.2023.

Since the applicant is ready to face trial and assured to appear before the learned court below on each and every date, this Court is inclined to dispose of this petition by directing the applicant to appear before the learned Court below on or before **16.2.2024** and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

Till then this Court is inclined to extend interim protection to the applicant. Accordingly, it is provided that in the event of arrest of the applicant, in connection with NDPS Case No. 120/2022, under Section 21(b) of NDPS Act, the applicant shall be released on interim pre-arrest bail on his executing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:

- 1.That the applicant shall appear before the learned Court below on 16.2.2024 and apply for regular bail;
- 2.That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

disclosing such facts to the Court or to any police officer; and

3. That the applicant shall not leave the jurisdiction of the learned Special Judge, NDPS (Addl. Session Judge, Karimganj), without prior permission.

JUDGE

Comparing Assistant