

GAHC010252322024



2024:GAU-AS:12915

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

Case No. : Bail Appln./3643/2024

AJIBUL HOQUE
S/O GOMIR ALI
VILL- BALAPARA
P.S. JOGIGHOPA
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. A WAHAB, MR A AHMED,U U KHAN,MR. A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

18/12/2024

Heard Mr. A Ahmed, learned counsel for the petitioner and Mr. K K Parashar, 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, **Ajibul Hoque**, son of Gomir Ali, resident of Village-Balapara, P.S. Jogighopa, District-Bongaigaon, seeking bail in **Jogighopa P.S. Case No. 178/2024** registered under Section 21(b) NDPS Act, 1985 corresponding to NGR No. 481/2024, wherein he was arrested on 29.10.2024 and is in custody since then.

3. It is submitted by Mr. Ahmed, learned counsel for the petitioner that considering his detention in custody since 29.10.2024, he should be considered for his bail.

4. As per the FIR of the case dated 29.10.2024, on the basis of a specific information that one regular drug dealer will be coming from Sapore to Oudubi and Balapara area under Jogighopa Police Station for selling/dealing illicit trafficking of NDPS items, the matter was accordingly registered as Majeralga River Outpost G.D. Entry No. 448 dated 28.10.2024 under Jogighopa Police Station. After receipt of such information, with due authorization, police personnel from Jogighopa Police Station proceeded to Oudubi market with the required items including the NDPS Detection Kit, electronic weight machine and seal etc. Around 11:30 PM as per the source information the suspected person was found coming towards Oudubi market on foot through Jogighopa to Salbari road and he was apprehended by police personnel from Jogighopa Police Station. During the same, two other persons along with the petitioner could manage to flee away from the scene. From the possession of the petitioner, police personnel recovered one black colour plastic container containing suspected heroine that was concealed in the said packet by the petitioner and inside the container 55 nos. of small plastic vial of different colours were also recovered. Police personnel following the due provisions seized those 55 nos. of vials and found suspected heroine of 07.00 gms. (without container) from the possession of the petitioner.

5. Mr. Parashar, learned Additional Public Prosecutor, Assam submitted that the petitioner did not disclose the names of the other two persons, who were with him while he was apprehended and that

though investigation is complete, but FSL report is still awaited.

6. Considering the recovery of 7.00 gms. of suspected heroine from the possession of the petitioner, scheduled NDPS items, the Court is of the view that the detention of the petitioner in custody since 29.10.2024 cannot be considered for his bail in said Jogighopa P.S. Case No. 178/2024.

7. Accordingly, this bail application of the petitioner, **Ajibul Hoque**, in said **Jogighopa P.S. Case No. 178/2024** registered under Section 21(b) NDPS Act, 1985 corresponding to NGR No. 481/2024 stands rejected.

JUDGE

Comparing Assistant