

GAHC010253832024



2024:GAU-AS:12916

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

Case No. : Bail Appln./3682/2024

AJIBAR SIKDAR @ AJIBOR SIKDAR
S/O MAYEJUDDIN SIKDAR @ MAIJ UDDIN
R/O VILL- KATHALARTARI
P.O. HOWLY P.S. HOWLY
DIST. BARPETA, ASSAM
PIN NO. 781316

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N K MURRY, P HAJONG, S DEB, MS S.DAS, MS P TOKBIPI

Advocate for the Respondent : PP, ASSAM,

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

ORDER

18-12-2024

Heard Mr. N K Murry, learned counsel for the petitioner. Also heard Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 483 BNSS, 2023, the petitioner, namely, **Ajibar Sikdar @ Ajibor Sikdar**, son of Mayejuddin Sikdar @ Maij Uddin, resident of village-Kathalartari, P.S.-Howly, District-Barpeta is seeking bail in **Howly Police Station Case No. 152/2024** registered under Sections 21(b) of the NDPS Act, in which he was taken into custody on 25.10.2024 and is in custody since then.

3. On receipt of specific information on 24.10.2024 at around 7:20 PM from reliable source regarding peddling/selling of suspected Heroin at Kathalartari village under Howly Police Station by a suspected drug peddler, the same was entered as GD Entry No. 17/2024 dated 24.10.2024 and thereafter, with due authorization, with all the required materials including NDPS Kits, police personnel from Howly Police Station reached Kathalartari Bazar and apprehended the petitioner in front of Dayem Ali Sikdar's house, where he was found roaming suspiciously near a motorcycle carrying two black colored polythene bags in his hand. After he was apprehended, in presence of independent witnesses, from the two polythene bags in presence of the petitioner, one light green colored soap case containing suspected Heroin weighing in total about 11.50 Grms. were recovered from his possession.

4. Mr. N K Murry, learned counsel for the petitioner has submitted that considering his detention since 24.10.2024, the petitioner should be considered for his bail in said Howly Police Station Case No. 152/2024, as only intermediate quantity of suspected Heroin were seized from the possession of the petitioner.

5. Mr. M P Goswami, learned APP, Assam, from the case diary has submitted that investigation is complete and only the FSL report is awaited.

6. Considering the recovery of 11.50 Grms. of suspected Heroin from the possession of the

petitioner, the Court is of the view that his detention since 24.10.2024 cannot be considered for his bail in said Howly Police Station Case No. 152/2024.

7. Accordingly, this bail application of the petitioner, Ajibar Sikdar @ Ajibor Sikdar, in Howly Police Station Case No. 152/2024, stands rejected.

8. Return the case diary.

JUDGE

Comparing Assistant