

GAHC010253972023



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

Case No. : Bail Appln./4128/2023

MD. KHALILUR RAHMAN @ KHALILAR RAHMAN
SON OF MD. FAIJUR RAHMAN RESIDENT OF LOCH P.S- BAIHATA
CHARIALI DISTRICT- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 05.01.2024

Heard Mr. S. Munir, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State.

Learned Additional Public Prosecutor has submitted that though the case diary was called for, however, in the meanwhile, charge-sheet has been laid bearing C.S. No. 3/2023 dated 22.12.2023.

Learned counsel for the petitioner has submitted that charge-sheet has been

laid under Section 21(c) of the NDPS Act. As the charge-sheet has been laid under Section 21(c) of the NDPS Act for possessing the commercial quantity of the contraband, embargo of Section 37 of the NDPS comes into play and the petitioner has failed to show anything which would help him to overcome the embargo of Section 37 at this stage, therefore, the prayer for bail is rejected at this stage.

The petitioner may approach the trial court for seeking regular bail before the Trial Court, if so advised.

JUDGE

Comparing Assistant