

GAHC010260202024



2024:GAU-AS:12999

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

Case No. : Bail Appln./3768/2024

NAJIRUL ISLAM
S/O CHAN MIAH
R/O VILL- UTTAR PANBARI
P.O.SALKHATI, P.S. DHING
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. U B SARMA, MRS. G SARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

19.12.2024

Heard Mr. U B Sarma, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Najirul Islam**, son of Chan Miah, resident of village Uttar Panbari, P.S.-Dhing, District-Nagaon, has prayed for his bail in **Bongaigaon G.R.P.S. Case No. 127/2024** registered under Section

21(b) of the NDPS Act, 1985, in which, he was arrested on 04.11.2024 and is in custody since then.

3) As per the FIR of the case dated 03.11.2024, the case is that daily checks were being conducted at Bongaigaon Railway Station by police personnel of Bongaigaon G.R.P.S, duly authorised by the Officer-in-Charge of Bongaigaon G.R.P.S. to combat trafficking of NDPS items. On 03.11.2024 at about 10:24 AM, the Kanniyakumari Vivek S.F. Express (DBRG-CAPE) Train No. 22504, DN arrived at Platform No. 1-A and while conducting daily checks by police inside the said train, they observed the petitioner acting suspiciously and upon seeing the police, the petitioner tried to run away. However, police apprehended him and then conducted his body search. During body search, 4 (four) Nos. of soap boxes containing suspected Heroin, weighing 50.9 gms was recovered from the possession of the petitioner.

4) The said FIR of the complainant was accordingly registered as Bongaigaon G.R.P.S. Case No. 127/2024 under Section 21(b) of the NDPS Act, 1985.

5) Mr. U B Sarma, learned counsel for the petitioner submitted that the wife of the petitioner is in the advance stage of pregnancy and the expected date of delivery is 03.01.2025. As such, considering his detention in custody, since 04.11.2024 and the advance stage of pregnancy of his wife, Mr. U B Sarma, learned counsel for the petitioner, prays for bail of the petitioner in said Bongaigaon G.R.P.S. Case No. 127/2024.

6) Case diary is placed before the Court today by Mr. K K Parashar, learned Additional Public Prosecutor, Assam.

7) From the case diary, it is seen that a total of 50.9 gms of suspected heroin was recovered from the possession of the petitioner, while conducting checking at New Bongaigaon Railway station to combat trafficking in NDPS items and the petitioner was found carrying such NDPS item in the Kanniyakumari Vivek S.F. Express (DBRG-CAPE) Train No. 22504, DN, when it arrived at Platform No. 1-A. It is also seen that the petitioner tried to flee away, but he was apprehended by the police inside the train itself.

8) Mr. K K Parashar, learned Additional Public Prosecutor, Assam submitted that the FSL report of the seized NDPS items is yet to be received.

9) Considering the involvement of the petitioner in trafficking of 50.9 gms of suspected Heroin

that was recovered from the conscious possession of the petitioner, the Court is of the view that the detention of the petitioner in custody, since 04.11.2024, cannot be considered for his bail in said Bongaigaon G.R.P.S. Case No. 127/2024.

10) Accordingly, this bail application of the petitioner, namely, **Najirul Islam**, son of Chan Miah in said Bongaigaon G.R.P.S. Case No. 127/2024 stands rejected.

11) Return the case diary herewith.

JUDGE

Comparing Assistant