

GAHC010261592024



2024:GAU-AS:12455

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

Case No. : AB/3237/2024

JIAUL HUSSAIN BARBHUIYA @ ZIAUL HUSSAIN BARBHUIYA
S/O RABIJUL ALI BARBHUIYA
R/O VILL- BAURIKANDI, PART-II
P.S. KACHUDARAM
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR, MR. JUNM LASKAR, MS. J GHOSH

Advocate for the Respondent : PP, ASSAM,

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

ORDER

10.12.2024

Heard Ms. J Ghosh, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

- 2)** Apprehending his arrest, the petitioner, namely, **Jiaul Hussain Barbhuiya @ Ziaul Hussain Barbhuiyan**, son of Rabijul Ali Barbhuiyan, resident of village Baurikandi Part-II, P.S.- Kachudaram, District-Cachar has filed this application under Section 482 BNSS, 2023, praying for his pre-arrest bail in **NDPS Case No. 83/2024**, arising out of Sonai Police Station Case No. 195/2023 registered under Sections 21(b)/29 of the NDPS Act, 1985, corresponding to G.R. No. 4693/2023.
- 3)** In the charge-sheet filed in said Sonai Police Station Case No. 195/2023 under Sections 21(b)/29 of the NDPS Act, 1985, later registered as NDPS Case No. 83/2024, the petitioner herein is shown as an absconder accused.
- 4)** After filing the charge-sheet in said Sonai Police Station Case No. 195/2023, corresponding to G.R. No. 4693/2024, the learned Sessions Judge, F.T.C., Cachar, Silchar took cognizance of the offence under Sections 21(b)/29 of the NDPS Act, 1985 and issued summons to all the accused persons of the case, including the petitioner herein. Thereafter pursuant to the order of the learned Sessions Judge, F.T.C., Cachar, Silchar said Sonai P.S. Case No. 195/2023 has been registered as NDPS Case No. 83/2024 and the proceeding of said NDPS case is presently pending before the Court of learned Sessions Judge, F.T.C., Cachar, Silchar.
- 5)** In spite of service of summons of said NDPS Case No. 83/2024 upon the petitioner, he did not appear before the learned Trial Court. As such, the said Court by order dated 03.08.2024 passed in said NDPS Case No. 83/2024 issued Non-Bailable Warrant of Arrest against the petitioner for his appearance in the said Case. Hence, this pre-arrest bail application by the petitioner in said NDPS Case No. 83/2024.
- 6)** Considering that the petitioner is a charge-sheeted accused person under Sections 21(b)/29 of the NDPS Act, 1985 and in spite of due service of summons upon him, yet he did not appear in the said case, this Court is of the view that it is not a fit case to grant pre-arrest bail to the

petitioner, named above, in said NDPS Case No. 83/2024.

7) Accordingly, this pre-arrest bail application of the petitioner, **Jiaul Hussain Barbhuiya @ Ziaul Hussain Barbhuiyan**, in said **NDPS Case No. 83/2024** arising out of Sonai Police Station Case No. 195/2023, presently pending before the Court of the learned Sessions Judge, F.T.C., Cachar, Silchar, stands rejected.

JUDGE

Comparing Assistant