

GAHC010264402024



2024:GAU-AS:12834

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

Case No. : Bail Appln./3821/2024

MD. JULHASH ALI @ MANIK ALI
S/O LATE AMIR ALI
VILL- NO. 2 SONAPUR
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN, MS. A AKHTAR, MR S K CHHETRY, MR. M ISLAM

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

17.12.2024

Heard Mr. N. Uddin, learned counsel of the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor representing the State respondent.

This application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for the release of the petitioner on regular bail in connection with Bihpuria P.S. Case No. 189/2024, registered under Section 21(b)/29 of the NDPS Act.

Mr. Uddin, learned counsel for the petitioner, has submitted that the petitioner is innocent and his name has been falsely implicated in this case. Moreover, the petitioner has been behind bar for the last 51 days. Hence, considering the length of detention already undergone by the petitioner, he may be released on bail. He further submits that the petitioner is a cultivator and is not involved in any such offence as alleged in the FIR. He also submits that the petitioner is ready to co-operate with the Investigating Officer (I.O.), if permitted.

In this context, Mr. Baruah, learned Additional Public Prosecutor, has submitted that there are sufficient materials against the accused/petitioner. He also submits that the petitioner was previously in Arunachal Pradesh and is now engaged in the business of drug peddling. Furthermore, the involvement of other culprits in this business has yet to be revealed. Accordingly, he raised an objection and submits that this is not a fit case to grant bail to the accused/petitioner.

Considering the submissions of the learned counsels for both sides and the materials available in the case diary, it is seen that the petitioner is involved in drug peddling, and contraband was recovered from his house. I find that further custodial interrogation of the accused/petitioner may be necessary to unearth more facts related to the case. Therefore, I am of the view that this is not a fit case in which the privilege of bail can be granted to the accused/petitioner at this stage, and the application is, accordingly, rejected.

In terms of above, this Bail Application stands disposed of.

JUDGE

Comparing Assistant