

GAHC010267482023



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

Case No. : Bail Appln./4387/2023

MD. TAMIJUR RAHMAN AND ANR
S/O ABDUL RAHMAN @ MD NINGTHEM
VILL- PAOBITEK, MAYAI LEIKAI
P.S. WANGOI, DIST. IMPHAL (WEST)
MANIPUR.

2: MD. ABDUL ROHIM
S/O ABDUL HEI
VILL- LILONG MAKHA LEIKEI
P.S. LILONG
DIST. THOUBAL

MANIPUR

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. A. MEDHI
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

19.04.2024

Heard Ms. A. Medhi, learned counsel appearing for the accused petitioners as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State

respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **Md. Tamijur Rahman and Md. Abdul Rohim**, have prayed for grant of bail in connection with **STF P.S. Case No.18/2023** under Sections **21(c)/29 of NDPS Act**.

It is submitted by the learned counsel for the petitioners that the petitioner No. 1 is the driver and the petitioner No.2 is the handyman of the alleged vehicle bearing registration No. NL 08/A 8541 and they have no knowledge regarding such contraband article inside the secret chamber of the vehicle. It is further submitted that the accused petitioners are behind the bar for 155 days since their arrest i.e. on 17.11.2023. Considering the length of detention, bail may be granted to the petitioners.

On the other hand, Mr. R. J. Baruah, learned Additional Public Prosecutor has produced the case diary and submitted that both the petitioners were travelling in the alleged truck carrying narcotic drug from Manipur to Assam for supply of such contraband articles. It is further submitted that about 1 kg 69 grams of heroin was recovered from the secret chamber of the vehicle in which the petitioners were travelling as driver and handyman. It is further submitted that FSL report is also received which gave positive test of heroin. In view of above, learned Additional Public Prosecutor has prayed for dismissal of the bail application.

I have considered the submission of the learned counsel for both the parties. The petitioners were travelling in the said alleged truck from Monipur towards Assam carrying commercial quantity of heroin for distribution in the state of Assam. It also appears from the case diary that the contraband items were hidden inside the secret chamber of the vehicle which is not possible without the knowledge of the petitioners who are travelling in the said vehicle.

Under such backdrop, prayer for bail is rejected.

Send back the case diary.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant