

GAHC010268012023



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

Case No. : AB/4067/2023

SHABNAM KHAN ALI
WIFE OF MD. SANJU ALI, RESIDENT OF WORD NO 4, SARUPATHAR,
DISTRICT - GOLAGHAT, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 10-01-2024

1. Heard Mr. K. Boruah, learned counsel for the petitioner Shabnam Khan Ali.
2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure with prayer for pre-arrest bail as he is apprehending arrest in connection with Dergaon Police Station Case No. 184/2023 under Sections 21(b)/29 Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

4. It is submitted on behalf of the petitioners that the contraband i.e. 37.04 grams of heroin was not received from her possession. On a tip off, a search was conducted and Abdul Ahmed along with his wife were found involved in possession of 37.04 grams of heroin.

5. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the case diary against the petitioner. The petitioner is a history sheeter and she was also involved in connection with this case.

6. I have perused the case diary.

7. Indeed there are incriminating materials in the case diary against the present petitioner. I have considered the nature of the offence alleged against the petitioner. At this juncture, there appears to be no justified grounds to accept the prayer of anticipatory bail in favour of the petitioner.

8. Petition is rejected at this stage.

Send back the case diary.

Anticipatory Bail application stands disposed of in the above terms.

JUDGE

Comparing Assistant