

GAHC010049262024



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

Case No. : Bail Appln./4416/2023

FIRDUS ALAM AND ANR
S/O SARIFUL HOQUE
R/O MULLAPARA
NAGARBAHI
P.S.-MANGALDAI
DIST-DARRANG (ASSAM)
PIN-784529

2: MD. SAYEDUR RAHMAN @ SAIDUR RAHMAN
S/O NIZAM UDDIN
R/O MULLAPARA
NAGARBAHI
P.S.-MANGALDAI
DIST-DARRANG (ASSAM)
PIN-784529
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. A M AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 22.04.2024

Heard Mr. A.M. Ahmed, learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Firdus Alam**, in connection with **Sipajhar P.S. Case No. 323/2023**, registered under Section **22(c) of NDPS Act, 1985**.

3. It is submitted by the learned counsel for the petitioner that the petitioner is the driver of the alleged vehicle bearing Regd. No. AS-01-JC-6604 from which the contraband drugs were recovered. It is also submitted that the petitioner has no knowledge that if any contraband item kept inside the said vehicle. It is further submitted that the petitioner has been detained in custody since 10.10.2023. Considering the length of detention as well as the nature of the offence, bail may be granted to the petitioner.

4. On the other hand, Mr. Kaushik, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the accused/petitioner by stating that the petitioner is very much involved in the alleged offence and there is sufficient incriminating materials found in the case record against the petitioner. Considering the nature of offence, bail may not be granted to the petitioner at this stage.

5. I have considered the submissions made by the learned counsel for the

parties. I have also perused the case record.

6. It appears from the record that the petitioner is the driver of the said vehicle from which large quantity of contraband was transported from Mangaldai side towards Guwahati. Accordingly, the petitioner was arrested being the driver of the vehicle.

7. In view of the above, this Court is not inclined to grant bail to the petitioner. Hence, prayer for bail is rejected.

8. The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant