

GAHC010276052023



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

Case No. : Bail Appln./4464/2023

TAYABUR RAHMAN
S/O LATE MUBARAK ALI
R/O VILL- BAZARGHAT, GULAKANDI
P.S. RATABARI
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19.03.2024

Heard Mr. A. Ahmed, learned counsel appearing for the Petitioner. Also heard Mr. R.J. Baruah, the learned Additional P.P. for the State of Assam.

This is an application under Section 439 of the Cr.P.C. in respect of Special

(NDPS) Case No. 154/2022 pending in the Court of the Special Judge, Karimganj.

Initially the petitioner Tayabur Rahman was arrested in respect of Karimganj P.S. Case No.77/2023 registered under Section 379 of the Indian Penal Code. Subsequently he was forwarded in this case because an amount of Rs.7 lakh was recovered from his possession. No contraband was recovered from the present petitioner.

In the present case contraband was recovered from Rajal Uddin Talukdar and Jabrul Haque who implicated Gulzar Hussain.

From the materials available with the record, it is not clear as to why the petitioner was made an accused in the present case.

For the aforesaid reasons, this Court is of the opinion that the petitioner Tayabur Rahman does not deserve to be detained in custody because Section 37 of the NDPS Act is not attracted in this matter. Accordingly, it is hereby directed that the petitioner Tayabur Rahman shall be released on bail of Rs.30,000/- with a surety of like amount to the satisfaction of the Special Judge, Karimganj.

Accordingly, the bail application stands disposed off.

JUDGE

Comparing Assistant