

GAHC010281862023



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

Case No. : Bail Appln./4619/2023

ABUL HUSSAIN PARAMANIK
S/O LT. AMZAD PARAMANIK
R/O LT. AMZAD PARAMANIK
R/O AIRONJONGLA PT.-3,
P.S. DHUBRI
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR Z ALAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20-02-2024

Heard Mr. Z. Alam, learned counsel for the petitioner Abul Hussain Paramanik.

2. The petitioner Abul Hussain Paramanik has filed this application under 37

of the NDPS Act read with Section 439 of the CrPC as he is behind bars since 31.03.2023 in connection with Special Case No. 364/2022 arising out of Dhubri Police Station Case No. 757/2021 registered under Section 22(c) of the NDPS Act.

3. It is submitted on behalf of the petitioner that the petitioner's personal right to liberty has been curtailed as the petitioner was arrested on 31.03.2023. He was shown as an absconder when charge sheet was submitted. It is submitted that the trial Court has erroneously framed charges against him. The contraband was not seized from his possession but it was seized from a bike. 2 (Two) witnesses have been examined out of 6 (Six) enlisted witnesses. 2 (Two) seizure witnesses have been examined. It is submitted that the bike involved in this case also does not belong to the petitioner. It is submitted that since 06.10.2023 no witness has been examined.

4. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent State.

5. The learned Additional Public Prosecutor has raised serious objection stating that the petitioner is an FIR named accused. The police tried to apprehend the petitioner but the petitioner fled away and absconded.

6. I have considered the submissions at the bar with circumspection. This cannot be considered to be a case where the petitioner's right to liberty has been curtailed. The trial is progressing at a regular pace. 6 (Six) witnesses are enlisted. 2 (Two) witnesses have already been examined. It cannot be said that it is unlikely that the trial will not be concluded soon. Only 4 (Four) witnesses are to be examined. It cannot be ignored that the rigour of Section 37 of the NDPS Act acts as an embargo. Accordingly, at this juncture there appears to be

no justified ground to enlarge the petitioner on bail.

7. Meanwhile the trial Court is directed to expedite the trial for speedy disposal of this case. If the case is procrastinated any further, the petitioner can file a subsequent bail application, which may be considered by the Court as per law.

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

JUDGE

Comparing Assistant