

GAHC010282052023



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

Case No. : AB/4253/2023

ROFIQUL ISLAM
S/O LATE ABDUL LATIF
VILL- BIRSHING, PART-3,
P.S. FAKIRGANJ
P.O. FAKIRGANJ
PIN-783330
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS F BEGUM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-01-2024

Heard Mr. S. Paul, learned counsel for the petitioner Rafiqul Islam.

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 Special Case No. 227/2023 arising out of Fakirganj Police Station Case No. 93/2023 under Sections 21(a)/21(b)/29 of the NDPS Act.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State of Assam.

4. It is submitted that charge sheet has been laid against the present petitioner showing him as an absconder. The petitioner is apprehending arrest as he is shown as an absconder. The petitioner is booked under Sections 21(a)/21(b)/29 of the NDPS Act. It is submitted that the petitioner has been roped in connection with this case but the petitioner is addicted to heroin and he is not a drug peddler. The petitioner is the sole breadwinner of his family and he is a local resident and he is not a flight risk. The petitioner is willing to abide by any bail conditions if he is enlarged on bail. It is also submitted that the petitioner is not named in the FIR.

5. I have considered the submissions at the bar with circumspection.

6. After considering the submissions, I deem it proper to direct the petitioner to appear before the learned trial Court and apply for regular bail which may be considered by the Court as per merits of the case.

In view of the above terms this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant