

GAHC010285302023



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

Case No. : Bail Appln./4578/2023

SAHAB ALI
S/O LT. MAHARUM ALI
R/O VILL/TOWN GURKUCHI, P.S. RANGIA, SUB DIV. KAMRUP,
DIST. KAMRUP, ASSAM
PIN-781354

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. SK S N MOHAMMAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

11.01.2024

Heard Mr Sk. N Mohammad, learned counsel for the petitioner, Sahab Ali.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail, as he is behind bars since 04.06.2023, in connection with Rangia PS Case No. 323/2023, under Sections 17(c)/29/27(A) of the NDPS Act.

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

Assam.

4. It is submitted on behalf of the petitioner that he has been languishing in the jail for a prolonged period, but investigation has not commenced. The personal liberty of the petitioner has been curtailed.

5. The learned Additional Public Prosecutor has raised objection stating that charge sheet has already been submitted against the present petitioner on 12.10.2023. Charges are yet to be framed and the rigours of Section 37 of the NDPS Act, acts as an embargo against the bail petition.

6. I have considered the submission of the learned Additional Public Prosecutor that this is not a case where the trial has been procrastinated and the personal liberty of the petitioner has been curtailed due to procrastination of trial and the conduct of the prosecution.

7. I have considered the import of the section under which the petitioner is booked.

8. At this juncture, there appears to be no justified ground to grant bail to the petitioner.

11. Petition with prayer for bail is rejected at this stage.

12. Bail Application stands disposed of.

JUDGE

Comparing Assistant