

GAHC010287232023



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

Case No. : AB/4296/2023

HABIJUL ALI @ MD BABU ALI
S/O SELIM UDDIN
R/O VILL- PANBARI GAON
P.S. DIPHU
DIST. KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MS. K MALAKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 05-01-2024

1. Heard Ms. K. Malakar, learned counsel for the petitioner.
2. The petitioner Habijul Ali @ Md. Babu Ali has filed this application under Section 438 Cr.PC,

with prayer for pre-arrest bail, as he is apprehending arrest in connection with Diphu PS Case No. 105/2023 registered under Section 21(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. It is submitted on behalf of the petitioner that the petitioner was allegedly apprehended with a small quantity of heroin. It is submitted that the petitioner is innocent.

4. Heard Ms. B. Begum, learned Additional Public Prosecutor for the State of Assam.

5. The learned Addl. PP has raised objection stating that there are incriminating materials in the Case Diary against the petitioner that he is a peddler.

6. I have perused the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. At this juncture there is no justified ground to extend the privilege of anticipatory bail to the petitioner.

The petition is rejected at this stage.

Send back the Case Diary.

JUDGE

Comparing Assistant