

GAHC010288862023



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

Case No. : Bail Appln./4642/2023

MAINUL ALI @ BABU @ BABU PETLA
S/O MD. FAIJUR RAHMAN
R/O LOCH
P.S. BAIHATA CHARIALI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19-03-2024

Heard Mr. S. Munir, learned counsel appearing for the Petitioner. I have 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 C.r.P.C. in respect of North Guwahati P.S. Case No. 121/2023 registered under Section 21 (c) of the NDPS

Act, 1985.

The learned counsels for both sides have jointly submitted that the charge-sheet has already been filed.

Mr. Munir submits that though an allegation is made against the petitioner that a commercial quantity of narcotic drugs was recovered from his possession, but the narcotic drugs should be less than the commercial quantity if the container which contains the narcotic drugs is not taken into account.

I have considered the submissions made by the learned counsels for both sides.

This Court is of the opinion that let the trial court consider the charge against the petitioner and if charge is framed, the petitioner shall be at liberty to approach this Court again.

With the aforesaid directions, the bail application stands disposed off.

JUDGE

Comparing Assistant