

GAHC010290942023



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

Case No. : Bail Appln./4634/2023

ABDUL HASIB
S/O ABUL HUSSAIN
R/O VILL- KHAGAIL, PIN-788720
PS. KARIMGANJ
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30-01-2024

- 1.** Heard Ms. S.G. Baruah, learned counsel for the petitioner Abdul Hasib.
- 2.** The petitioner has filed this application under Section 439 Cr.PC, with prayer for bail as he is in jail for 406 days in connection with Special NDPS Case No. 170/2022 arising out of

Ram Krishna Nagar P.S. Case No. 165/2022 corresponding to G.R. Case No. 2342/2022 registered u/s 21(C)/25/29 of the NDPS Act.

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

4. It is submitted on behalf of the petitioner that the petitioner is behind bars only because of the reason that one co-accused is absconding. Trial is to yet commence at it is at the stage of appearance. The petitioner's personal liberty guaranteed by Article 21 of the Constitution of India has been infringed due to long pendency of this case.

5. The learned Additional Public Prosecutor has also admitted that trial has not yet commenced. Charge-sheet has been laid.

6. I have considered the submissions at the Bar with circumspection. Charge-sheet has been laid against the petitioner. The allegation against the petitioner is that the petitioner has been in possession of 739.01 grams of heroin. At this juncture it cannot be held that the procrastination of trial militates against the rigour of Section 37 of the NDPS Act.

7. The petition with payer for bail is rejected at this stage.

8. However, the learned trial Court is directed to expedite the trial, and if need arise, try the accused who are behind bars in connection with this case separately.

JUDGE

Comparing Assistant