

GAHC010294972023



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

**Case No. : Bail Appln./8/2024**

MUJIBUR RAHMAN  
S/O ABDUL HAMID  
R/O VILL- BRAHMAN SASHON  
P.S. NILAMBAZAR  
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. R SARMA**

**Advocate for the Respondent : PP, ASSAM**

**B E F O R E**  
**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**07.02.2024**

1. Heard Mr. R. Sarma, learned counsel appearing for the petitioner as well as Mr. D.P. Goswami, learned Additional Public Prosecutor for the State respondent.
2. This application under Section 439 Cr.P.C, is preferred by the petitioner, namely, Mujibur Rahman, who is in judicial custody since 08.06.2023 in connection with Special (NDPS) Case No. 59/2023 arising out of Nilambazar P.S. Case No. 111/2023, registered under Sections 21(C)/25/29 of Narcotic Drugs and Psychotropic Substance Act, 1985.
3. I have considered the submissions at the Bar.
4. It is submitted at the Bar that the petitioner was neither the driver nor the owner of the vehicle carrying 300 grms of heroine. The heroine was seized from the vehicle bearing registration No. AS-10F-2966 and there were four occupants in the vehicle and the petitioner is one of the occupant.
5. It is also submitted by the learned Addl. P.P. that the charge was framed on 12.01.2024. In this case, the trial has just commenced.
6. The rigour of Section 37 of the NDPS Act cannot be considered as an embargo to the extent that personal liberty of the petitioner has been curtailed due to procrastination

of trial by the prosecution or the Court.

7. However, considering the import of the sections under which the petitioner is booked, I am constrained to hold that the petitioner is not entitled to bail at this stage.

8. Accordingly, this petition stands rejected at this stage.

Send back the case diary.

**JUDGE**

**Comparing Assistant**