

GAHC020004172024



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

Case No. : Bail Appln./15/2024

SMTI. MUSKAN BEGUM
WIFE OF ACCUSED
R/O SECTOR-4, KUSHIABIL VILLAGE
DIST-DIMAPUR, NAGALAND-797112

VERSUS

THE STATE OF NAGALAND
KOHIMA NAGALAND

Advocate for the Petitioner : VINNOKA ACHUMI

Advocate for the Respondent : P.P, NAGALAND

**BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 20-08-2024

Heard Mr. Vinnoka Achumi, learned counsel for the applicant. I have also heard Mr. E. Thiba Phom, learned PP for the State of Nagaland.

2. This is an application filed under section 439 Cr.PC praying for grant of bail to the accused, Shri. Alim Uddin, who has been arrested in connection with West PS case No. 13/2024 under section 21(c) of NDPS Act read with 34 IPC.

3. The case of the petitioner is that based on the Suo Moto FIR lodged by one HAV Thepuso Ckg, SOT, Dimapur before the Officer-in-Charge of West PS, Dimapur, Nagaland, a case being West PS case No. 13/2024 was registered under section 21(c) of NDPS Act read with 34 IPC and investigated into.

3. It is submitted that initially only 2 (two) accused persons were arrested and on the basis of the disclosure statement given by those accused persons, a Special Operation Team raided the house of the accused, Shri Alim Uddin, and on search being conducted some suspected contraband items including brown sugar were recovered and seized from the possession of the accused and arrested him on the same day. And since then, the accused is languishing under the police/judicial custody for about 177 days without being released. The learned counsel for the petitioner submits that the wife of the accused is sick and considering his long period of detention, the accused may be released on bail.

4. The scanned copy of the CD has been produced by the learned PP and I have perused the same.

5. The record reveals that the accused is involved in selling of second-hand vehicles and also involved in the selling of the contraband drugs. The record further reveals that on 26.02.2024,

based on the disclosure made by the co-accused, the police has raided the house of the accused and on search being conducted, 26 plastic soap cases containing 317 grams of suspected brown sugar were recovered along with WYABA 192 tablets weighing 19 approximately, which was seized. The record further reveals that the accused is involved in drug business for a long time as per the disclosure statement of the co-accused as well as his own disclosure.

6. The learned PP for the State submits that the seizure of the contraband items are of commercial quantity and the case is still under active investigation and under the circumstances, if the accused is released on bail there is every possibility that he might involve in the same trade again and also would conceal the material evidence thereby it may hamper the further investigation of the case and hence, while raising objection has prayed for rejection of bail application.

7. Heard the parties and considered the material on record.

8. Considering the nature of allegation made against the accused and the contraband material recovery and seizure made from the possession of the accused persons including 26 plastic soap cases containing 317 grams of suspected brown sugar along with WYABA 192 tablets weighing 19 approximately, and also considering that the case is still under active investigation and there is every likelihood that the accused might involve in the similar offence if released on bail, I am not inclined to grant bail to the accused at this stage.

Accordingly, this bail application is rejected and disposed of.

Sd/-
JUDGE

Comparing Assistant