

GAHC010024472024



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

Case No. : Bail Appln./355/2024

Monuwar Ali
s/o. Late Jamser Ali, R/o. Khanapara, near Ferry Land High School Checkgate, P.S.
Basistha, Guwahati - 781021 District Kamrup (M), Assam.

VERSUS

The State Of Assam
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. HUSSAIN AHMED TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.02.2024

Heard Mr. H. Rohman, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Monuwar Ali**, in connection with

Basistha P.S. Case No. 23/2024(corresponding to G.R. No. 232/2024), registered under Section 21(b) of NDPS Act.

3. The learned counsel for the accused/petitioner submits that the contraband items was not recovered from the conscious possession of the petitioner. It is also submitted that the petitioner has been detained in custody since 11.01.2024. The petitioner is the sole bread earner of his family which consists of his wife and minor children. Under such backdrop, learned counsel for the petitioner has prayed that considering the period of detention, bail may be granted to the petitioner.

4. On the other hand, Mr. Goswami, learned Addl.P.P. has produced the case diary along with FSL report. It reveals that intermediate quantity of heroin was recovered, kept inside the scooty which was driven by the petitioner. The FSL report shows the positive test for heroin which was recovered from the possession of the present petitioner. Therefore, bail prayer of the petitioner may not be considered at this stage.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary along with FSL report.

6. It appears that the accused person was arrested on 11.01.2024. The seized heroin was recovered from the conscious possession of the present petitioner. As per FSL report, seized heroin shows positive test of contraband items.

7. On consideration of the matter in its entirety, this Court is of the view that this is not a fit case for grant of bail to the accused/petitioner, at this stage. Therefore, prayer for bail is **rejected**.

8. The bail application stands disposed of accordingly.
9. Return the case diary.

JUDGE

Comparing Assistant