

**Crl. Misc. (B) Case No. 705/2021**


**10-12-2021**

The case is fixed today for necessary Order.

This bail application has been filed u/s 439 CrPC for the accused Wasif Ahmed in connection with Dibrugarh P.S. Case No. 2182/2021, corresponding to G.R. No. 4425/2021, u/s 22(b)/25/27/29 of the NDPS Act.

It is submitted on behalf of the accused that the accused has been falsely inflicted in the case and no incriminating material was recovered from his possession. It is further submitted that the accused has been in custody since 12-11-2021 and the I/O has availed sufficient time to investigate the case. It is further submitted that the accused is a student of Class XII 2<sup>nd</sup> Year (Arts) in DHSK College and his Pre-Final Examination of Class XII 2<sup>nd</sup> Year (Arts) for the year 2021-22 under Assam Higher Secondary Education Council is scheduled in December 2021 and as such his bail prayer may be considered for facilitating him to appear in the ensuing examination.

The case involves recovery and seizure of suspected Heroin measuring 19.33 gram (which is greater than small quantity) from the possession of the accused Wasif Ahmed and other two co-accused persons. As per materials in the


  
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case diary, the accused Wasif Ahmed is alleged to be a drug-peddler. The investigation into the case is still in progress. Report from Forensic Science Laboratory is yet to be received. The I/O has submitted bail objection stating inter alia that the arrested accused persons are members of organized gang who have been peddling and trafficking contraband drugs since long causing irreparable loss to young generation. The I/O has further stated in the bail objection that if the accused persons are released on bail, they may convey the information of police movement to other gang members which might help in concealing themselves from the eye of police.

Considering the serious nature of the offence, the incriminating materials available in the case diary, the progress of investigation and the bail objection submitted by the I/O, granting of bail to the accused at this stage is not felt justified.

Accordingly, the bail prayer of the accused Wasif Ahmed is rejected at this stage.

So far as the Pre-Final Examination of the accused is concerned, the accused or his family members may submit relevant examination documents (including Admit Card) to

  
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the Superintendent, Central Jail, Dibrugarh who shall do the needful for enabling the accused to take the examination, but under proper police escort/guards and security.

Send back the case diary along with a copy of this Order.

Send a copy of this Order to the Superintendent, Central Jail, Dibrugarh.

Furnish a true copy of this Order to the learned Advocate for the accused under the signature of the Bench Assistant.


This Crl. Misc. (B) Case is accordingly disposed of.

  
Addl. Sessions Judge,  
Addl. District & Sessions Judge  
Dibrugarh

16/11/2021 CR is put up today.

Seen the petn. form of the accused wasif Ahmed, forwarded by the Superd., Central Jail, Dibrugarh, and it is mentioned in the petn. that the accused is not inclined to take the Examination from jail.

Keep the said petn. tagged with the CR.

  
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