

GAHC010084962021



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

Case No. : I.A.(CrI.)/258/2021

ABDUL KALAM
S/O. MD. SAIFULLAH, R/O. UNCHAHAR, P.O. BAJAORA, P.S. PROMPAT,
DIST. IMPHAL EAST, MANIPUR- 795005

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY NCB

2:ANJANI KUMAR
INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU
GUWAHATI ZONAL UNIT
VIP ROAD
RUPKUNWAR PATH CHACHAL
GUWAHATI- 781022

Advocate for the Petitioner : MS. S K NARGIS

Advocate for the Respondent : SC, NCB

Linked Case : I.A.(CrI.)/256/2021

SOHRAB KHAN
S/O. LATE JALIL KHAN
R/O. SALEMPUR
P.O. BAJAORA
P.S. DOBHI

DIST. GAYA
BIHAR- 824201

VERSUS

THE UNION OF INDIA AND ANR.
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INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU
GUWAHATI ZONAL UNIT
VIP ROAD
RUPKUNWAR PATH
CHACHAL
GHY- 22

Advocate for : MS. A MESEN
Advocate for : SC
NCB appearing for THE UNION OF INDIA AND ANR.

Linked Case : CrI.A./360/2019

SHRI RAM MILAN AND ANR
S/O- LATE SHIV KUMAR
R/O- UNCHAHAR
P.O. BAJAORA
P.S. UNCHAHAR
DIST.- RAEBARELI
UTTAR PRADESH- 229404.

2: MD. ABDUL KALAM
S/O- MD. SAIFULLAH
R/O- MINUTHONG GOLAPATTI
P.O. BAJAORA
P.S. PROMPAT
DIST.- IMPHAL EAST
MANIPUR- 795005.
VERSUS

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NARCOTICS CONTROL BUREAU
GUWAHATI ZONAL UNIT
VIP ROAD
RUPKUNWAR PATH CHACHAL
GUWAHATI- 781022.

Advocate for : MS. S K NARGIS
Advocate for : SC
NCB appearing for THE UNION OF INDIA AND ANR

Linked Case : CrI.A./393/2019

MD. SOHRAB KHAN
S/O- LATE JALIL KHAN
R/O- SALEMPUR
P.O. BAJAORA
P.S. DOBHI
DIST.- GAYA
BIHAR- 824201.

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GUWAHATI ZONAL UNIT
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RUPKUNWAR PATH
CHACHAL
GUWAHATI- 781022.

Advocate for : MR A K AZAD
Advocate for : SC
NCB appearing for THE UNION OF INDIA AND ANR

Linked Case : CrI.A./288/2019

MD. MUJIBUR RAHMAN
S/O- MD. SAIFULLAH OF HATTA
P.O. AND P.S. POROMPAT

IMPHAL EAST DISTRICT
MANIPUR
PIN- 795005.

VERSUS

NARCOTICS CONTROL BUREAU
INDIA

Advocate for : MR H R A CHOUDHURY

Advocate for : SC

NCB appearing for NARCOTICS CONTROL BUREAU

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

18.05.2021

(K.R. Surana, J)

Heard Mrs. K. Nargis, learned counsel for the applicant and Mr. S.C. Keyal, learned Standing counsel for the opposite party.

2. Perused the report filed by the opposite party on 17.05.2021, indicating the steps taken by the opposite party pursuant to the order dated 10.05.2021. Also perused a copy of the letter dated 17.05.2021 by the Inspector General of Police (Ops.) on behalf of the DGP, State of Manipur, as forwarded by the learned Standing counsel for the opposite party through e-mail, which indicates that Golapati area where the applicant- convict has his residence is a thickly populated area and presently under "containment zone" and that as per the Covid-19 protocol, no one is allowed to enter in the containment zone. We also take note of the statement made therein that the Manipur police has already detailed 2 (two) mobile teams from Jiribam (border of Assam- Manipur) for escorting the applicant- convict to Imphal East. It is also mentioned therein that the Assam police is required to get Covid-19 RT-PCR negative of the convict preferably and to also arrange prisoner van with at least 2(two) jail

staffs from Guwahati Central Jail till Imphal East, Manipur and back. Therefore, we deem it appropriate that the copy of this order be also sent to the Superintendent of Central Jail, Guwahati so as to ensure that as and when ordered by the Court, they would make arrangement for a prisoner van with two jail staff to securely escort the applicant- convict to Imphal East, Manipur and back.

3. It is also submitted by the learned Standing counsel for the opposite party that in the present situation of Covid-19 pandemic, the escort party as well as the applicant would be exposed to high risk of infection. However, it is submitted that the authorities of the opposite party would abide by whatever directions are issued by the Court.

4. Taking note of the present situation of Covid-19 pandemic, which as per print and electronic media report is really alarming, it appears to the Court that with the increasing infection and deaths in the State of Assam as well as Manipur, it would be a great risk not only for the applicant but also for the escort party to travel one way long distance of about 500 kms. approx. Moreover, as the area where the applicant has his residence is also a containment zone, it appears that even if it is ordered to send the applicant to visit his home in the State of Manipur, he would not be able to enter the area where his home is located. Accordingly, the Court deems it appropriate that the matter be deferred to 02.06.2021, awaiting further report from the opposite party.

5. Accordingly, the matter stands adjourned today. List the matter on 02.06.2021.

6. We grant liberty to the learned counsel for the applicant to produce a downloaded copy of this order before the Superintendent of Central Jail, Guwahati, who may verify the contents of the order from the website of the Court.

JUDGE

JUDGE

Comparing Assistant