

GAHC010079232021



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

Case No. : I.A.(Crl.)/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.
REP. BY NCB

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

Advocate for the Petitioner : MS. A MESEN

Advocate for the Respondent : SC, NCB

Linked Case : Crl.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

THE UNION OF INDIA AND ANR
REP. BY NCB

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INTELLIGENCE OFFICER
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.

VERSUS

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INTELLIGENCE OFFICER

NARCOTICS CONTROL BUREAU
GUWAHATI ZONAL UNIT
VIP ROAD
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 : I.A.(Crl.)/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 : MS. S K NARGIS
Advocate for : SC
NCB appearing for THE UNION OF INDIA AND ANR.

Linked Case : Crl.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

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA
HON'BLE MR. JUSTICE ROBIN PHUKAN

21-06-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Mr. HRA Choudhury, learned senior counsel for the applicant in IA(CrI) 256/2021 and Mr. SC Keyal, learned standing counsel, NCB for the respondents.

The applicant/appellant, namely, Sohrab Khan has been convicted under Sections 17(c)/21(c) of the NDPS Act vide judgment and order dated 22.04.2019 passed by the District & Sessions Judge, Kamrup (Metro), Guwahati in NDPS Case No.38/2016 and has been sentenced to undergo rigorous imprisonment for twenty years with fine of Rs.2 lakh, in default, rigorous imprisonment for another one year.

The applicant/appellant is in jail since 07.05.2016, i.e. more than five years. His earlier bail application has been rejected by this Court. Now, the applicant/appellant has prayed for releasing him on a short term bail on grounds that his wife is suffering from cancer and there is no one to look after her.

We have asked the learned counsel appearing for the respondents to get instructions in the matter and on enquiry, it has been found that the wife of the applicant/appellant though is suffering from cancer but the major reports are of 2019 and there is no latest medical report. She is presently residing with her parents in district Gaya, Bihar and she is being looked after by her parents and brothers.

Since a paper book has already been prepared in this case, the matter be listed for final hearing on **14.07.2021.**

Meanwhile, although we are presently not inclined to release the applicant/appellant on a short term bail, but the prayer to visit his wife at this stage when she has a medical problem seems to be genuine. In case the applicant/appellant can make arrangement to bring his wife to Guwahati, this Court will consider releasing the applicant/appellant for a day or two on police custody to visit his wife.

JUDGE

CHIEF JUSTICE

Comparing Assistant