

GAHC010237732019



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

Case No. : Crl.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

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 : MR A K AZAD, MS. S K NARGIS, MS N DAS, MS. A MESEN, MS S
CHOUDHURY, MR. D BORA, MR. P K DAS, MR. A KHAN

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

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 : 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 SUMAN SHYAM
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10-12-2024
Suman Shyam, J

Heard Ms. S.K. Nargis, learned counsel for the appellant in Crl. A. No. 393/2019 and Crl. A. No. 360/2019 and Mr. A. Ahmed, learned counsel for the appellant in Crl. A. No. 288/2019. Also heard Mr. S.C. Keyal, learned standing counsel, NCB appearing on behalf of the respondent.

At the commencement of the hearing Ms. Nargis, learned counsel, has submitted in her usual fairness that one of the core issues raised in these appeals is pertaining to the plea regarding non-compliance of Section 52A of the NDPS Act. She submits that the Hon'ble Supreme Court has recently heard an appeal involving the same issue wherein the judgment has been reserved. The learned counsel for the appellant has, however, submitted that since her client is in jail for nearly 10 years, hence, the appeal be heard on the question of reduction of sentence, if not, on any other count.

Similar is the submission of Mr. A. Ahmed, learned counsel for the appellant in Crl. A. No. 288/2019.

Mr. S.C. Keyal, learned standing counsel, NCB has responded by submitting that the

appellants' counsel will have to argue the matter on merit even for an order of reduction of sentence as he is unable to make any concession in that regard.

Such being the position and considering the fact that Hon'ble Supreme Court has already reserved judgment on the same issue, we are of the view that hearing of these appeal must await the decision of the Supreme Court on the aforesaid point.

Situated thus and on the request of learned counsel for both the sides, let these appeal be listed again on 23-01-2025 for hearing.

In the meantime, if the judgment of the Hon'ble Supreme Court becomes available, the same be brought on record.

JUDGE

JUDGE

GS

Comparing Assistant