

GAHC010152162025



2025:GAU-AS:13282

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

Case No. : AB/1648/2025

ABDUR ROFIQUE ALIAS ABDUL RAFIQUE AND ANR
S/O- ABJAL HOSEN @AJIJUL HOSEN,
DHUBRI

2: JAHIRUL ISLAM

S/O- HASEN ALI

BOTH ARE R/O- VILL- ARIMARI
P.S- CHAPAR. DIST- DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. M HOQUE, MR. N J DUTTA, MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM, MR S HUSSAIN(INFORMANT), MR. A S ALI
(INFORMANT), MR. S A B KHABIR(INFORMANT)

**BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

25.09.2025

Heard Mr. N.J. Dutta, learned counsel appearing for the petitioners. Also heard Mr. R. Kaushik, learned Addl. Public Prosecutor appearing for the State and Mr. S.A.B. Khabir, learned counsel appearing for the informant.

By this application, the petitioners have prayed for pre arrest bail in connection with Chapar P.S. Case No. 93/2025 registered under Section 61(2)/123/103(1) of BNS, 2023.

The FIR dated 10.06.2025 reveals that the petitioners has instigated accused No. 1, 2 and 3 to call the nephew of the informant and when the nephew of the informant reached, he was taken to a jungle behind a particular college and was administered drugs and the said victim was left at the said place in an unconscious condition. It is further alleged that when the police reached the place of occurrence, they found the victim lying unconscious with bleeding from his nose and mouth. The informant further stated that when the victim was taken to the hospital, he was declared dead at about 10:30 pm on the said day i.e., on 09.06.2025. The informant also stated that on earlier occasion too, the petitioners tried to kill the nephew by hiring other persons. Further it is stated that the informant doubts that accused No. 1, 2 and 3 had

killed his nephew under the instigation of the petitioners and left him unconscious at the place of occurrence.

Mr. N. J. Dutta, learned counsel for the petitioners submits that the allegation against the petitioners were only in the form of suspicion that they had instigated other accused person to administer drugs to the nephew of the informant, as a result of which the victim died. He further submits that the petitioners were in fact involved in anti drugs campaign and was constructive in making the society free of drugs as it is the pleaded case of the petitioners at Paragraph 6 of the petition.

Mr. R. Kaushik, learned Addl. Public Prosecutor on perusal of the case diary submits that the postmortem report of the victim demonstrated that the victim died of heart attack and the FSL report also showed that there was no poison in the parts of the stomach of the victim. He further submits that the statement of the witnesses showed that drugs was administered to the victim as a result of which the victim died.

Mr. S.A.B. Khabir, learned counsel appearing for the informant however submits that there is suppression of facts in the instant case by the petitioners in as much as the rejection order by the Trial Court was not placed when the instant petition was filed and that only on his submission, an additional affidavit was filed bringing on record the said document. He also submits that on earlier

occasion too, the petitioners had tried to kill the victim by hiring professional killers.

I have heard the counsels and have gone through the records.

It is reflected in the FIR that accused No. 1, 2 and 3 arrayed as such in the FIR on being instigated by the petitioners had called the victim to a jungle like area and is alleged to have administered drugs to him due to which the victim bled from his nose and mouth. It is also stated in the FIR that on earlier occasions, the petitioners had hired some professional persons to kill the victim which of course is in the nature of suspicion on the part of the informant. It is seen in the statements of the witnesses which are many in numbers that accused No. 1, 2 and 3 on being instigated by the petitioners had administered drugs upon the victim.

In view of the submissions and in view of the content of the FIR, this Court does not deem it fit to release the petitioners on bail.

Petition is dismissed at this stage.

JUDGE

Comparing Assistant