

GAHC040014802025



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

Case No. : BA/116/2025

Sajida Begum
Wife of Md Ashwad Ullah, C/o Sahab Uddin, 64 Rail Line, Near Rail Line,
Islampatty, Khutti Katia, Nagaon, assam 782002

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Tabit Tapak, T Tabing, Bebung Siboh, Aso Dalbong

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 26.09.2025

Heard Mr. T. Tapak, learned counsel for the applicant. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State respondent.

2. The accused, namely, **Md. Ashwad Ullah**, was arrested in connection with NDPS Case No. 31/2022 arising out of Banderdewa P.S. Case No. 01/2020 under Section 120(b) of the NDPS Act on 23.01.2020 and subsequently, released on 04.02.2020.

3. Thereafter, the bail granted to the accused was cancelled on 23.06.2025, on the ground of violation of the terms of bail conditions, and taken into custody on the same date by the trial Court and since then he is inside the custody.

4. His bail was rejected on 04.08.2025, on the ground that the accused had not approach the Court with clean hand and there was inconsistency on his plea while seeking bail.

5. By filing this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the wife of the accused prays for release of the accused on bail.

6. The learned counsel for the applicant submits that the accused is the sole breadwinner of his family, which consists of wife and minor daughter and he has been inside the custody for more than 3(three) months. Further, the trial would take longer time to complete and therefore, prays for release of the accused.

7. Ms. Jini, learned Additional Public Prosecutor referring to the record submits that after obtaining bail on 04.02.2020, the accused has violated the bail conditions and failed to appear for trial due to which a non-bailable warrant of arrest was issued against him and subsequently his bail was cancelled. Moreover, his bailor was also discharged. The learned Additional Public Prosecution further submits that the case is at the final stage of trial. Except for 1(one) all other witness have already been examined, and there is a prima facie incriminating material evidence against the accused, and he is likely to be convicted for the alleged offence. Therefore, she opposes the release of the accused at this stage, and since in the earlier occasion he did not cooperate and appear before the Court for trial after obtaining bail, there is every possibility that he may jump bail if released in which case the trial of the case will be

hampered.

8. Upon hearing the parties and on perusal of the record, it appears that the accused while on bail did not cooperate and appear before the trial Court on several occasions, due to which a NB/WA was issued against him and subsequently, his bail was cancelled.

9. Considering the conduct of the accused and considering that the trial of the case is at the last stage and there is prima facie incriminating material evidence against him. I am not inclined to grant bail to the accused at this stage.

10. Accordingly, the bail application stands rejected.

11. However, the learned trial Court will expedite the trial of the case for early disposal.

JUDGE

Comparing Assistant