



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 55 of 2025

Date of Decision: 28.01.2026

Rima Hazarika
Aged about 50 years,
W/o Dilip Das,
Vill. Konwargaon,
P.S. – North Lakhimpur,
District – Lakhimpur, Assam.

..... **Petitioner**

- Vs-

The Union of India represented
By DSGI

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. M.H. Choudhury, Adv.
For the Respondent(s)	:	Mr. J.I. Nongrum, Adv. Ms. R. Fancon, Adv. vice Dr. N. Mozika, DSGI.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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JUDGMENT AND ORDER (ORAL)

1. Heard Mr. M.H. Choudhury, learned counsel for the petitioner,



who has submitted that this application for grant of bail under Section 483 of the BNSS read with Section 37 of the NDPS Act, 1985 was filed on behalf of her husband, Shri. Dilip Das who is an accused, who was arrested initially in connection with Custom NDPS Case No. 03/CL/NDPS/C.METH/HQRS.PREV/SH/2025-26 dated 03/09/2025, under Section 43(a) NDPS Act, which case was then registered as CrI. (NDPS) Case No. 8 of 2025 pending before the Court of the learned Special Judge (NDPS), Ri-Bhoi District, Nongpoh.

2. It is also the submission of the learned counsel that the accused husband of the petitioner was intercepted by Custom Officials on 03/09/2025 at about 12:30 PM or so near Umtru Bridge/New Byrnihat Bridge, Ri-Bhoi District and thereafter, was allegedly arrested on the ground that he was found to be in possession of contraband substance weighing about 2 Kgs or so which is said to have been found from a black backpack he was carrying.

3. The learned counsel has further submitted that the said allegation is not correct, inasmuch as, the accused person was never in possession of the said bag and there was no proof that he was in possession of such contraband substance. However, since the accused person was arrested under the relevant provision of the NDPS Act and is now in judicial custody, being a laborer by profession and also the sole bread earner of the family with no criminal antecedent, it is therefore prayed that this Court may be pleased to enlarge the



accused person on bail with any conditions deemed fit and proper to be imposed.

4. Per contra, Mr. J.I. Nongrum, learned counsel vice Dr. N. Mozika, learned DSGI appearing on behalf of the respondent/Union of India/Custom Department has strongly opposed the prayer made on the ground that there is ample proof that the accused person was caught in conscious possession of the said contraband substance which was found by the Custom Officials who had conducted a search on his person, such contraband substance being found contained a transparent polythene packet which was kept in the said black backpack.

5. In fact, from the Panchanama, it is also clear that the accused person has admitted that he was carrying such contraband substance in the said black backpack. Accordingly, in view of the provision of Section 37 where the seizure of the said contraband substance is of commercial quantity, there being no counter proof on behalf of the accused person to show that he is innocent, therefore, the prayer for grant of bail may not be allowed, further submits the learned counsel.

6. This Court upon hearing the parties, has also perused the said Panchanama which was also annexed with this petition as Annexure-3. On perusal of the contents therein, it is seen that the accused person has indeed admitted that he was carrying the said contraband substance in the said black



backpack, though such admission would be tested at the time of trial. Prima facie, this Court is convinced that the accused person was indeed in conscious possession of the said contraband substance. Admittedly, since the said seizure is of commercial quantity, the provision of Section 37 NDPS Act would come into play.

7. At this point of time, there is nothing to convince this Court that the accused person is innocent of the offence alleged. Accordingly, there is no merit in this petition, the same is hereby dismissed and disposed of.

8. Registry to return back the case diary.

Judge