GAHC010111972026

2026:GAU-AS:9011

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

Case No. : Bail Appln./1485/2026

LOKMAN HEKIM
SON OF LATE BABAR ALI,VILLAGE- NARAMARI, DUWAMARI,
LAHARIGHAT P.S.-LAHARIGHAT, PIN-782127, DISTRICT MORIGAON,
ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MR J FIRDAUS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 22-06-2026

Heard Mr. S Nawaz, learned counsel for the petitioner. Also heard Mr. RJ Baruah, learned Additional Public Prosecutor appearing for the State respondent.

2. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, with prayer for bail for the accused/petitioner, Lokman Hekim, in connection with Laharighat P.S. Case No. 58/2026 registered under Sections 21(b)/27(a) of the NDPS Act.

3. The case diary called for has been received and perused by this Court.

4. It is submitted by the learned counsel for the petitioner that the accused/petitioner has been in custody for the last 38 (thirty eight) days. There is some confusion as to under which Sections, the case has been registered because in the forwarding report, it is seen that the case has been registered under Sections 21(c)/27a/29 of the NDPS Act, however, in the note of the Officer-in-Charge, it is seen that the case has been registered under Sections 21(b)/27(A) of the NDPS Act. He also submits that as per the seizure list as well as the FIR, the quantity of heroin alleged to have recovered from the possession of the petitioner is 60.90 grams including vials and the Investigating Officer got sufficient opportunities to interrogate the petitioner in custody. Therefore, he prays that the petitioner may be allowed to go on bail and he is ready to co-operate with the investigation of the case.

5. The learned Additional Public Prosecutor submits that on perusal of the record, it is seen that the exact quantity of the heroin recovered from the possession of the accused/petitioner is 60.90 grams including vials. There are sufficient incriminating materials against the petitioner, who is a drug peddlar and one more case has been registered against him. There is no such material against the accused/petitioner to fulfill the ingredients of Section 27A of the NDPS Act, except recovery of money from his possession. He submits that the case is still under investigation and custodial detention is required for investigation of the case and thus the petitioner may not be granted bail.

6. Considering the submissions of the learned counsels for the parties, and on perusal of the case diary, it is seen that it is a fact that there is some mistake in mentioning the Sections under which the case has been registered against the petitioner. The quantity of heroin so recovered from the possession of the

accused/petitioner is also slightly higher than the small quantity. Considering all the aspects of the case and also the period of detention undergone by the accused/petitioner, this Court is of the opinion that further custodial detention of the petitioner is not necessary for the purpose of investigation of the case. Therefore, he is allowed to go on bail.

7. Accordingly, the accused/petitioner be released on bail on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only with one surety of like amount to the satisfaction of the learned Special Judge, Morigaon. The accused/petitioner, be enlarged on bail, subject to the following conditions:-

(i) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer,

(ii) that the petitioner shall not leave the jurisdiction of the learned Special Judge, Morigaon without prior permission,

(iii) that the petitioner will submit his Aadhar Card and PAN Card before the learned Special Judge, Morigaon

8. The Bail Application stands disposed of.

JUDGE

Comparing Assistant