GAHC010124142026

2026:GAU-AS:11744

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

Case No. : AB/1362/2026

ANOWAR HUSSAIN
S/O ABDUL BAREK VILL 5 NO. BARUAJHAR PS DALGAON DIST
DARRANG, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR TO THE GOVT. OF ASSAM

Advocate for the Petitioner : MD. R ALI, R. ALI,MR. A M KHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

18.08.2026

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. The petitioner, namely, **Anowar Hussain**, has filed this application under Section 482 BNSS, 2023, with prayer for pre-arrest bail, in connection with **Dalgaon P.S. Case No. 63/2026**, registered under Section **21(c) of NDPS Act.**

3. The allegation in the FIR is to the effect that when the required procedure for search and seizure of contraband items had been made at the residence of the present petitioner, the present petitioner fled from his home, leaving behind his wife, which led to the seizure of several black-coloured plastic bags with 262 plastic vials filled with suspected heroin and a soap case filled with suspected heroin. The wife of the petitioner was arrested and was granted bail by an order dated 04.06.2026, passed in B.A No.1143/2026.

4. The order dated 04.06.2026 records that it was submitted on behalf of the petitioner that the order of the learned JMFC, Darrang, Mangaldai, revealed that 43 grams of heroin was found after measuring the heroin upon separating it from the white paper and plastic containers. As the actual weight of the heroin was only 43 grams, and the applicant in the said bail application was a woman whose husband had fled during the search operation, she had been granted bail by this Court.

5. This Court had considered the submission of the learned counsel for the petitioner that the applicant in the aforesaid bail petition had been granted bail, however, this Court cannot convince itself that any parity can be extended to the petitioner herein, since in the other case, the petitioner had been under custody and the investigation had already progressed on the basis of her custodial interrogation.

6. In the present case, the recovery of heroin is of more than the small quantity and the act of the petitioner herein fleeing from the scene has hampered the investigation.

7. Accordingly, this Court is not inclined to grant the privilege of pre-arrest bail to the petitioner at this stage. This application accordingly stands disposed of.

JUDGE

Comparing Assistant