GAHC010140092026

2026:GAU-AS:10583

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

Case No. : Bail Appln./1882/2026

NIJAM ALI ALIAS NIZAM ALI
SON OF RASHID ALI, PERMANENT RESIDENT OF VILLAGE PUTHIMARI CHAPARI, P.S. MANGALDAI, DISTRICT DARRANG, ASSAM. PRESENTLY RESIDING AT KACHUTALI, P. P.S. SONAPUR, GUWAHATI-782402, DISTRICT KAMRUP (METRO)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR/ PROSECUTRIX

Advocate for the Petitioner : MR. J A AHMED, MS J BORUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.07.2026

Heard Mr. J.A. Ahmed, learned counsel for the accused and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita

(BNSS), 2023, is preferred by the accused, namely, Nijam Ali @ Nizam Ali, who has been languishing in jail hazot since 05.06.2026, in connection with Sonapur P.S. Case No.61/2026 under Section 21(b) of the NDPS Act, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by S.I. Shyamal Jyoti Phukan, Sonapur P.S., on 06.06.2026. The essence of allegation against the accused is that approximately 12.06 gm of suspected heroin was recovered from his possession on 05.06.2026, at about 11:30 p.m., while he was transporting the same in a vehicle, bearing Registration No.AS-23AF-5646.

4. Mr. Ahmed, learned counsel for the accused submits that the accused was arrested on 05.06.2026, and since then he has been languishing in jail hazot for last 55 days and that the quantity of contraband substance is of intermediate quantity and the statutory period of detention is 60 days and that after completion of investigation, charge-sheet has already been submitted and now the trial will start and the accused will face the trial and under such circumstances, he has contended to allow this application.

5. Per contra, Mr. Lahkar, learned Additional Public Prosecutor, Assam, has opposed the petition, on the ground that charge-sheet has already been submitted against the accused and that 8.085 kg of Ganja were recovered from the possession of the accused.

6. Having heard the submission of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record.

7. Since charge-sheet has been submitted in this matter and since the seized contraband substance is of intermediate quantity and the accused is also languishing in jail hazot for last 55 days, this Court is of the view that further custodial detention of the accused seems to be unwarranted in the interest of investigation. Now the trial will start and the accused has to prepare his defence. And considering the aforementioned facts and circumstances, this Court is inclined to allow this application.

8. It is provided that on furnishing a bail bond of ₹ 25,000/- with one surety of like amount to the satisfaction of the learned Special Judge, NDPS, Guwahati, the accused,

namely, Nijam Ali @ Nizam Ali, shall be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

10. The original record be returned to the learned Trial Court by a special messenger

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant