GAHC010190142026

2026:GAU-AS:13886

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

Case No. : Bail Appln./2579/2026

ANUWAR HUSSAIN AND ANR
S/O - LATE IDRIS ALI VILL - PURONIBORI PS - MAYONG DIST. - MORIGAON, ASSAM

2: LALIN AHMED
S/O - LATE SOHIDUL ISLAM
R/O VILL - MILONPUR
WARD NO. 11 P.S. DISTRICT - MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : S K PODDAR, R MANDAL,MR. R GHOSH,MR. C SHARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

17.09.2026

Heard Mr. S.K. Poddar, learned counsel for the accused and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State

respondent.

2. This bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is preferred by two accused, namely, Anuwar Hussain and Lalin Ahmed, who have been languishing in jail hazot since 19.08.2026, in connection with Morigaon P.S. Case No.141/2026, under Sections 21(b)/27A/29 of the NDPS Act, 1985, 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. Chandramika Neog of Morigaon Police Station, on 19.08.2026. The essence of allegation in the FIR dated 19.08.2026, is that acting on a tip off, on 19.08.2026, at about 4:30 p.m., a vehicle bearing Registration No.AS-02AE-0697, was intercepted at Morigaon Saniboriya Bazar area and during search, one Anuwar Hussain and Lalin Ahmed were found inside the vehicle and 12 nos. of plastic vial containing suspected NDPS items wrapped in black polythene weighing 16.35 gms were recovered from the left front door of the vehicle and a sum of Rs.14,310/- was recovered from the possession of Anuwar Hussain with one Redmi mobile handset and a sum of Rs.570/- and one black Realme mobile handset was recovered from the possession of Lalin Ahmed and that they were involved in financing illicit trade of NDPS by providing funds for purchase and transportation and import of NDPS from Dimapur to Assam.

4. Mr. Poddar, learned counsel for the accused, submits that the accused were arrested on 19.08.2026, and since then they are languishing in jail hazot for almost a month and that the contraband substances recovered from the possession of the accused persons are of intermediate quantity and that there is no material to show financing or harbouring so as to attract Section 29 of the NDPS Act and under such circumstances, he has contended to allow the accused persons to go on bail.

5. Per contra, Mr. Borthakur, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials against the accused persons. However, he fairly submits that the I.O. could not collect materials in respect of the offence under Section 27A of the NDPS Act.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Borthakur, learned Addl. P.P.

7. It appears that the accused are languishing in jail hazot since 19.08.2026, and indisputably, the quantum of contraband substances, allegedly recovered from the possession of the accused persons, are of intermediate quantity. And as submitted by Mr. Borthakur, learned Addl. P.P., there is no material in the case diary to suggest involvement of the accused persons in financing and harbouring for purchasing and transportation and import of NDPS substances.

8. And having regards to the nature and gravity of the offence and also the period of detention as well as the progress of investigation of the case, further custodial detention of the accused persons seems to be unwarranted here in this case and accordingly, this Court is inclined to allowed this application.

9. It is provided that on furnishing a bond of Rs.20,000/- each, with one surety of the like amount to the satisfaction of the learned Special Judge, NDPS, Morigaon, the accused persons, namely, Anuwar Hussain and Lalin Ahmed, shall be enlarged on bail.

10. The case diary be returned.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant