GAHC040016672026

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

Case No. : AB/134/2026

Pranjal Deka
Son of Kamal Deka, resident of Chandowalpara, Mangaldoi, PS Mangaldoi, Darrang District, Assam 784125

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Rosy C Lowangcha,

Advocate for the Respondent : P P of AP,

B E F O R E

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

23.11.2026

Heard Mr. Uday Shankar Bora, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Addl. Public Prosecutor for the State of Arunachal Pradesh.

2. This is an application under Section 482 of the BNSS, 2023, seeking pre-arrest bail to the petitioner in connection with Balemu P.S. Case No. 05/2026 dated 27.06.2026, registered under Sections 20(b)(ii)(C) and 25 of the Narcotic

Drugs and Psychotropic Substances Act, 1985.

3. As per the FIR, based on information received on 27.06.2026, the police formed a naka-checking party at Gumpha More on the same day and intercepted two vehicles bearing registration Nos. ML-05-Z-4197 (Tata truck) and AS-25-FC-1983 (Ashok Leyland truck). During the interception, one of the drivers of the Ashok Leyland truck escaped, while two persons travelling in the Tata truck were apprehended.

4. Upon search, 483.52 kg of cannabis (ganja) and 448.53 kg of cannabis (ganja) were recovered from the Tata truck and the Ashok Leyland truck, respectively, totalling 932.05 kg of ganja.

5. Subsequently, the FIR was lodged on the same day, wherein the present petitioner was not named**.**

6. It is submitted that the petitioner is the owner of the Ashok Leyland vehicle and that it was given on hire to the arrested accused persons, who were well acquainted with the petitioner. They had approached him and requested him to provide the said vehicle for Packers and Movers work for a period of two days. The petitioner, in the ordinary course of his transportation business, provided the vehicle in good faith. It is further submitted that the petitioner is ready to cooperate with the investigation.

7. Per contra, learned Addl. Public Prosecutor submits that the petitioner had suppressed the fact that a similar case was pending against him, and it was only subsequently, by way of an additional affidavit filed more than a month after the present petition was filed, that the said fact was disclosed, and that too without complete particulars. Referring to the additional affidavit submitted by the petitioner, it is pointed out that only NDPS Case No. 16/2020 is mentioned as being pending in the Court of the District and Sessions Judge, Karbi Anglong, Diphu, but the statutory provisions under which the case was registered or the charges were framed have not been mentioned.

8. In this regard, learned Addl. Public Prosecutor has referred to an order of the Apex Court dated 01.09.26 in SLP (Criminal) No. 10438/2026, wherein the Apex Court rejected the prayer for bail despite the accused having spent eight years in custody, in view of the fact that the antecedents of the accused were of the same nature as the offence with which he was charged in the case before the Apex Court.

9. In the instant case also, the petitioner is facing trial in a case of a similar nature, and the petitioner has also suppressed material facts by not disclosing the statutory provisions of the NDPS Act under which the said case is proceeding**,** thereby giving rise to a reasonable presumption that the case may

involve commercial quantity**.**

10. Having regard to the above, the prayer for pre-arrest bail is rejected.

JUDGE

Comparing Assistant