GAHC010100802026

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

Case No. : Bail Appln./1348/2026

NILCHAN ALI
S/O LT. TAJMAL HOQUE R/O DHANBARI P.S DHUPDHARA DIST.
GOALPARA, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A AHMED, U U KHAN,MD. A A KHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12.11.2026

Heard Mr. A. Ahmed, learned counsel for the accused applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the accused applicant namely **Nilchan Ali,** in connection with

Dhupdhara P.S. Case No. 58/2025 registered under Section 61(2)/123 of BNS R/w Section 22(c)/29 of NDPS Act, 1985..

3. As per the narration in the FIR, the police conducted naka checking on 09.12.2025 at Dhanbari-Dhupdhara Road. Upon receipt of prior information regarding the transportation of contraband drugs, the police, during the course of such naka checking, apprehended one person who was coming on a motorcycle. Upon searching the motorcycle, 100 bottles each of Triprolidine Hydrochloride and Codeine Phosphate Syrup, amounting to a commercial quantity, were recovered. The accused applicant was apprehended on the spot.

4. On the basis of the FIR, police registered Dhupdhara P.S. Case No. 58/2025 .

5. The learned counsel for the accused applicant submits that the accused applicant was arrested on 10.12.2025 itself and he is behind bars for 338 days. He submits that the notice under Section 36 BNSS was not properly served as no signature of the independent witness would be found in the arrest memo. He further submits that no effective communication regarding grounds of arrest has been made as the amount of seizure of contraband materials was not mentioned.

6. The TCR in the instant case has been received and the same is perused.

7. The learned Additional Public Prosecutor has opposed the prayer of bail of the accused applicant.

8. This Court has perused the TCR and finds that, although the arrest memo does not bear the signatures of any independent witnesses, notices under Sections 47 and 48 of the BNSS were duly served upon the accused applicant. Therefore, no prejudice has been caused to the accused applicant in the instant case. As regards the non-mentioning of the quantity of the seized contraband materials, it is specifically mentioned that a huge quantity of contraband materials had been seized. In the opinion of this Court, the information furnished in the notice under

Section 47 of the BNSS sufficiently complies with the mandate of the said provision.

9. Accordingly, finding no ground for granting bail at this stage, the instant bail application stands rejected.

JUDGE

Comparing Assistant