GAHC010159632026

2026:GAU-AS:15028

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

Case No. : Bail Appln./2176/2026

DR SANDEEP DAS
SON OF JYOTSHNAMOY DASRESIDENT OF VILLAGE NALIAPUL
SULTANPUR, P.O. AND P.S. AND DISTRICT DIBRUGARH, PIN 786001, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, MR. R K MAHANTA,MR. P BORDOLOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 07.10.2026

Heard Mr. P.J. Saikia, learned Senior Counsel, assisted by Mr. P. Bordoloi, learned counsel appearing for the accused-applicant. Also heard Mr. D.P. Goswami, learned Addl. P.P., representing the State respondent.

2. This is an application under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicant in connection with Digboi Police Station Case No. 53/2026 (corresponding to GR Case No. 162/2026), registered under Sections 132/352/351(2) of BNS, 2023, read with Sections 22(c)/29 of NDPS Act, 1985.

3. The facts of the case, in brief, are that on 02.06.2026, one Kabyashree Bora, WSI (P), Digboi Police Station, lodged an FIR before the Officer-in-Charge, Digboi Police Station, alleging, *inter alia* that on 02.06.2026 at around 2:00 PM, the Officer-in-Charge, Digboi Police Station, received reliable information that certain person was illegally purchasing psychotropic substances from the clinic of the accused-applicant situated at Baraf Factory area, Yasoda Road Tiniali, Digboi. The information was entered in the General Diary, vide Digboi P.S. G.D. Entry No. 10 dated 02.06.2026. Thereafter, a police team was formed and during the surveillance, they noticed one person carrying a black-colored backpack coming out of the clinic. Police intercepted the aforesaid person, who identified himself as Shri Sumen Gohain. During preliminary questioning, he stated that he had purchased the psychotropic substances from the clinic of the accused-applicant. On request for production of a valid prescription, the aforesaid Sumen Gohain could not produce any prescription for purchasing the psychotropic substances. On search of the backpack, the police recovered 143 grams of tablets in addition to certain other items like a mobile phone. Shri Sumen Gohain, thereafter, disclosed that the recovered psychotropic substances had been purchased from the clinic of the accused-applicant, and he led the police team to the clinic of the accused-applicant. Police thereafter, on reaching the clinic, conducted a search, and during search in the clinic of the accused-applicant, they recovered 4,476 grams of tablets and a sum of Rs. 1,03,000/- in cash along with two mobile phones, etc. Those tablets, as well as the other materials, were seized by the police.

4. On receipt of the FIR, police registered Digboi Police Station Case No. 53/2026, under the aforementioned sections.

5. Mr. P.J. Saikia, learned Senior Counsel submits that the arrest of the accused-applicant is only on the basis of the statement made by the co-accused, Shri Sumen Gohain. He submits that while arresting the accused-applicant, though the Section 47 notice was issued to him wherein the grounds of arrest have been stated, however, in the forwarding report, some additional Sections have been added and the grounds of those had not been given to him at the time of his arrest. He submits that subsequently, though another notice under Section 47 was given to him just before production before the Magistrate that vitiates the whole arrest as the grounds of arrest under Section 47 was not given to him before two hours of his production before the Magistrate.

6. The learned Senior Counsel further submits that in the test memo, it appears that the whole seized materials from both persons have been mixed together and a sample has been collected from the same, and the same was sent for testing. He submits that this violates the sampling of the contraband materials seized. He further submits that from the materials, it is apparent that the accused-applicant is not guilty, and therefore, the satisfaction under Section 37 can be obtained from those materials available before this Court.

7. On the other hand, Mr. D.P. Goswami, the learned Addl. PP, has opposed the prayer for bail, stating that a huge quantity of contraband psychotropic substances has been recovered from the clinic of the accused-applicant, and no valid document could be produced by the accused-applicant before the police while seizing those contraband materials.

8. This Court has considered the submissions made by the learned counsel

appearing for the respective parties and has also gone through the materials available in the TCR.

9. It is seen from the records that initially, a Section 47 notice was issued to the accused-applicant wherein only the sections which have been mentioned were of the NDPS Act. However, subsequently, another notice under Section 47 had been issued to the accused-applicant wherein the other sections, namely Section 132/352/351(2) of the BNS Act, had been added. It is also seen that the aforesaid notice under Section 47 has been duly received by the accused-applicant. Therefore, from the perusal of the documents, it is found that the mandate of Section 47 as required under the BNSS has been complied with in the instant case.

10. As far as the test memo is concerned, it is seen that the samples have been taken from the whole contraband materials seized from both the persons. However, at this stage, this issue may not be relevant for consideration of the bail. The fact in the instant case is that the huge contraband psychotropic materials have been seized from the clinic operated and run by the accused-applicant, and those contraband psychotropic substances have been stored by the accused-applicant without any valid permission or documentation. In fact, it is seen that during questioning of the accused-applicant, he failed to give any proper explanation about storage of such huge quantity of psychotropic substances without any valid document.

11. Taking into account the entire facts of the case, and on perusal of the documents available in the TCR, and having *prima facie* found incriminating materials against the accused-applicant, this Court is not inclined to grant any relief to the accused-applicant at this stage.

12. Accordingly, the instant bail application stands dismissed as rejected.

JUDGE

Miriam Degu
(SPA)