GAHC010164442026

undefined

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

Case No. : Bail Appln./2239/2026

MUZZAMIL HUSSAIN AND ANR
S/O LATE SUKUR ALI

2: MOKADDESH ALI

S/O LATE SUKUR ALI
BOTH ARE RESIDENT OF - VILL- KHILLI
P.O. P.S- KOLGACHIA
DISTRICT - BARPETA
ASSAM
PIN-78131

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R K NATH, MR. L KHAN,MR. S D ROY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 07.10.2026

Heard Mr. N.K. Kalita, learned counsel appearing on behalf of Mr. R.K. Nath, learned counsel for the accused. Also heard Mr. B. Sarma, learned Additional

Public Prosecutor for the State respondent.

2. This petition, under Section 483, BNSS is preferred by two accused, namely, Muzzamil Hussain and Mokaddesh Ali, who have been languishing in jail hazot, since 05.07.2026, in connection with Kalgachia P.S. Case No. 62/2026, registered under Section 20(b)(ii)(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 an FIR lodged by SI Korban Ali Sheikh of Barbhitha Outpost on 05.07.2026. The essence of allegation in the FIR dated 05.07.2026, is that on 04.07.2026, at about 6:58 p.m., acting on a tip off, a search was conducted in the house of the accused persons and during search, total 5.465 kg of suspected ganja was recovered from their house.

4. Mr. Kalita, learned counsel for the accused, submits that the accused persons were arrested on 05.07.2026, and since then they have been languishing in jail hazot for last 92 days. Mr. Kalita also submits that after completion of investigation, the I.O. has submitted charge-sheet, bearing No. 72/2026, date 17.08.2026, and that the quantum of contraband substance allegedly recovered from the possession of the accused persons, is of intermediate quantity, and since charge-sheet has been submitted, there is no scope for hampering the investigation or tampering the witnesses. Mr. Kalita further submits that the accused persons will face the trial and appear before the learned trial Court on each and every date, and therefore, he has contended to allow this petition.

5. Per contra, Mr. Sarma, learned Additional Public Prosecutor has opposed the petition on the ground that after completion of investigation, the I.O. has laid charge-sheet having found sufficient materials against the accused persons,

and therefore, he has contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, this Court has carefully gone through the petition and the documents placed on record and also perused the scanned copy of the record received from the learned trial Court.

7. It appears that the I.O. has submitted charge-sheet against the accused persons under Section 20(b)(ii)(B) of the NDPS Act. It also appears that the quantity of the contraband substance, allegedly recovered from the possession of the accused persons, is of intermediate quantity. It further appears that the accused persons have been languishing in jail hazot for last 92 days, and since charge-sheet has been submitted, there is no scope for hampering the investigation, and since Mr. Kalita, learned counsel for the accused has assured this Court that the accused persons will appear before the learned trial Court on each and every date, this Court is inclined to allow this petition.

8. It is provided that on furnishing a bond of Rs. 25,000/- each, with one surety of like amount, to the satisfaction of the learned trial Court, the accused be enlarged on bail.

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

JUDGE

Comparing Assistant