GAHC010165192026

2026:GAU-AS:15543

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

Case No. : Bail Appln./2253/2026

AKKES ALI
S/O NOYAM UDDIN,
VILLAGE- TIYAPARA, BALIJANA,P.S. PANCHARATNA,DISTRICT-GOALPARA, ASSAM,PIN-783101

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR Z HUSSAIN, MR. D K AGARWALA,MS B B AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

13.10. 2026

Heard Mr. Z. Hussain, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Addl. P.P for the State of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for release of the petitioner on bail who has been arrested on 28.05.2026, in

connection with Howly P.S. Case No. 76/2026 under Section 21 (c)/ 22 (c)/ 25/ 29 of NDPS Act.

3. The Case Diary call for, has been received.

4. The learned counsel for the petitioner has submitted that the petitioner had been detained at 1.30 p.m. on 27.05.2026 and the records would indicate that he was produced before the learned remand Magistrate at 3 o'clock on 28.05.2026. Accordingly, he has submitted that the 24 hour window having being expired, the further continued detention of the petitioner is bad in law.

5. He has also submitted that the petitioner, who is a driver by profession, had taken a vehicle to Manipur and while at Manipur, he was directed by the owner of the vehicle to release the vehicle that he had taken to Manipur, and to come back with another vehicle which belonged to the same owner. Accordingly, the petitioner herein had taken up the second vehicle, and while he was on his way to the rendezvous, his vehicle was intercepted and some narcotics had been recovered from the concealed section of the vehicle, of which, the learned counsel for the petitioner submits, that the petitioner did not have any prior intimation or information.

6. He accordingly submits that the petitioner may be granted the privilege of bails, since he has already passed 139 days in custody in connection with the present case.

7. Mr. Sarma, learned Addl. P.P has submitted, upon going through the Case Diary that the vehicle being driven by the petitioner had been intercepted at around 1.30 pm on 27.05.2026 and the seizure list had been prepared at 5 pm on 27.05.2026.

He further submits that the recordings in the Case Diary reflect that the

arresting authority had made a GD entry that the petitioner had been produced before the learned remand Magistrate at about 2.20 pm on 27.05.2026. He submits that the minor delay in production of the petitioner before the learned remand Magistrate would not make much of a difference and would not violate the continued detention of the petitioner.

8. He has further submitted that the recording in the order of the learned remand Magistrate that the production was at 3 pm might have indicated the exact time when the remand Magistrate had taken up the file of the petitioner and had seen the petitioner, however, the fact remains that the arresting authority had produced the petitioner in the Court premises at 2.20 pm.

9. The learned Addl. P.P has submitted that, keeping in view the amount of Heroin and Yaba tablets, which amount to around 22,000 yaba tablets and 671 grams of heroin, and in the present case, the time taken for transportation and production within the Court premises would also be taken into account and the further detention would not be held to be unlawful.

10. I have considered the submissions made and I have also gone through the records placed before me.

11. In the present case, the detention of the petitioner having started at approximately 1.30 pm in the afternoon of 27.05.2026 and, thereafter, the seizure having been made at 5 pm after having to locate the hidden chamber in the vehicle, and the production of the petitioner having been made before the learned remand Magistrate at 2.20 pm on the very next day itself, coupled with the fact that the recovery of a commercial quantity of not only heroin, but also of yaba tablets having been made from the vehicle being driven by the petitioner, I cannot form the opinion that the petitioner has been able to

overcome the obstacle of Section 37 of the NDPS, Act.

12. Accordingly, the present Bail Petition stands rejected.

JUDGE

Comparing Assistant