GAHC010165422026

2026:GAU-AS:15463

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

Case No. : AB/1903/2026

BABUL ISLAM AND ANR
S/O LATE ALAUDDIN, R/O UDMARI (RESERVE), P.S. JURIA, DISTRICT-NAGAON, (ASSAM)

2: FAIJUR RAHMAN
S/O LATE ABUL SHAHID
R/O KALONI JALAH
P.S.- JURIA
DISTRICT- NAGAON
(ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, GUWAHATI 781001

Advocate for the Petitioner : MR A SHARMA, MR I AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

13.10.2026

Heard Mr. A. Sarma, learned counsel for the applicants and Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State.

2. Apprehending arrest in connection with **Harangajao PS Case No.**

11/2025, under Sections 21(C)/29(1) of the NDPS Act, this application under Section 482 of the BNSS, is preferred by applicants, namely, **Babul Islam** and **Faijur Rahman**, for grant of pre-arrest bail.

3. It is to be noted here that the said case has been registered on the basis of one FIR lodged by SI Jitumani Baishya of Harangajao Police Station, on 18.12.2025.

3.1. The essence of allegation in the FIR, dated 18.12.2025, is that on 18.12.2025, while the informant and other police party attending Naka Checking duty, at Dolaichunga, at NH 27, at about 04:45 am, they have intercepted one Bolero vehicle, bearing registration No. AS-01-GE-5545, with two persons, namely, Jahidul Islam and Ansanul Islam and after checking the vehicle, 527.44 grams of suspected heroin were recovered in 45 plastic boxes.

4. Mr. Sarma, learned counsel for the applicants, submits that the present applicants are innocent and no way involved with the offence alleged in the FIR. He further submits that the IO has submitted charge-sheet after completion of the investigation and that except statement of the FIR named accused persons, nothing has been recovered from the possession of the present applicants. He also submits that the present applicants are ready to face the trial and will appear before the learned trial court on each and every date and therefore, it is contended to allow the petition.

5. Per-contra, Mr. Lahkar, learned Additional Public Prosecutor, has opposed this application and submits that the arrested accused persons have clearly implicated the present applicants with the offence alleged in the FIR.

5.1. However, to a pointed query of this Court, Mr. Lahkar submits that except

the statement of the arrested accused persons, nothing has been recovered and seized from the possession of the present applicants.

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

7. It appears that except the statement of the arrested accused persons, nothing has been recovered and seized from the possession of the present applicants. Further, after completion of investigation, the IO had submitted charge-sheet before the learned trial court.

8. Accordingly, this Court is inclined to dispose of this petition directing the applicant to appear before the learned trial court on or before 28.10.2026 and to apply for regular bail. And in the event of filing such an application, the learned trial court shall consider the same in accordance with law.

9. It is further provided that in the event of arrest of the present applicants, in connection with **Harangajao PS Case No. 11/2025**, under Sections 21(C)/29(1) of the NDPS Act, corresponding to NDPS Case No. 04/2026, in the interim they shall be enlarged on interim pre-arrest bail, on executing a bond of Rs. 50,000/- each only, with one surety of like amount to the satisfaction of the arresting authority.

10. The above privilege is, however, subject to the following conditions:

(i) that the applicant shall appear before the learned Special Judge (NDPS), Dima Hasao, on or before 28.10.2026;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned **Special Judge (NDPS), Dima Hasao**, without prior permission.

11. In terms of above this anticipatory bail application stands allowed.

JUDGE

Comparing Assistant