GAHC010176892026

2026:GAU-AS:17452

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

Case No. : Bail Appln./2403/2026

SALIM UDDIN BARBHUIYA
S/O. LATE ABDUL NOOR BARBHUIYA R/O. BADARPURGHAT, DISTRICT SRIBHUMI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY, MS. J CHETTRY,MS. S SEAL,MS. S KANUNGOE
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

25.11.2026

1. Heard Mr. B. Chowdhury, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

2. This petition under Section 483 of the BNSS, 2023 has been filed by the accused-petitioner, namely, **Salim Uddin Barbhuiya** praying for grant of bail in connection with **Badarpur P.S. Case No.37/2026 corresponding to GR No. 249/2026** under Sections **22(C) of NDPS**

Act. The petitioner was arrested on 1.4.2026.

3. The allegation in the FIR dated 1.4.2026 is that upon information and search, contraband in the nature of suspected Yaba tablets was found from a carry bag being allegedly carried by the petitioner.

4. The learned counsel submits that as his body has been searched, the compliance with Section 50 of the NDPS Act is mandatory and that the same has not been properly complied with in the instant case. The learned counsel refers to the decision of *Ranjan Kumar Chadha vs. State of Himachal Pradesh in Criminal Appeal Nos. 2239-2240 of 2011* and draws attention to 63 and 64.

The scanned record is available.

5. The learned Additional Public Prosecutor opposing the bail submits that a large quantity of contraband was recovered falling in the bracket of commercial quantity and the case is pending for consideration of charge. The seizure witnesses have stated about seizure of the suspected contraband in the nature of Yaba tablets, being 10 number of small packets each containing 200 Yaba tablets.

6. Both the seizure witnesses apart from stating about the seizure from the petitioner has also stated that it was seized from white colour polythene carry bag. The same also finds mention in the seizure list.

7. I have perused the inventory documents and the forensic report indicating positive test for the suspected psychotropic substance (methamphetamine). Eight witnesses are listed in the charge-sheet and as mentioned above, Prosecution witness has not yet started.

8. In the case of *State of H.P. v. Pawan Kumar, (2005) 4 SCC 350,* the

three-judge bench of the Hon'ble Apex Court has delved into this aspect and the principle deductible from that said decision is that if the body as well as a bag carried by the accused person are searched and any contraband is found from the bag, the Section 50 would not be applicable to the search of the bag; though for searching the body there has to be compliance with Section 50. In other words, if the contraband is seized from the bag, the said recovery may not be vitiated. The

9. On the basis of the materials narrated and discussed above, it is not possible to hold that test of Section 37 is passed in favor of the petitioner.

10. Accordingly, the bail petition stands **rejected** at this stage.

11. Return back the case diary.

JUDGE

Comparing Assistant