GAHC010165192026

2026:GAU-AS:15544

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

Case No. : AB/2102/2026

ABU SHAMA
S/O ABDUL KALAM
R/O - VILL - KHATAKUCHI
P.S- SORBOHG
DIST- BARPETA
ASSAM
781319

VERSUS

THE STATE OF ASSAM
REPRESENT BY THE LEARNED PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. N J DUTTA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 13.10. 2026

Heard Mr. N.J. Dutta, 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 482 of the BNSS, 2023, praying for pre-arrest bail for the petitioner, namely, Abu Shama, in connection with Howly P.S. Case No. 76/2026 under Sections, 21 (c)/ 22 (c)/ 25/ 29 of the NDPS Act, 1985.

3. The learned counsel for the petitioner has submitted that he is the owner of the vehicle in which the contraband has been recovered and it was not within his knowledge that the other co-accused might be transporting such contrabands in secret chambers made in the truck. He has further submitted that although the petitioner is the registered owner of the vehicle, it was being operated by his Uncle one Mr. Nizamuddin, and in the event any secret chambers had been created or any contraband had been transported, the petitioner was not in the knowledge thereof.

4. He has accordingly prayed, that in the event, the petitioner is granted the privilege of pre-arrest bail, he would appear before the Investigating Officer and participate in the investigation process.

5. The learned Addl. P.P, Mr. Sarma has submitted that the Case Diary in connection with the present case has been received.

6. Having gone through the contents of the Case Diary and also having considered that the present case involves recovery of Heroin and Yaba Tablets from the vehicle, of which the petitioner is the registered owner and also noticing that there is no statement in the bail petition to the effect that the vehicle of the petitioner was being managed by someone else, and also having regard to the fact that similar applications for pre-arrest bail had been rejected for co-accused by the order dated 01.10.2026 in AB No. 2040/2026, I do not find the present case to be a fit one for granting the privilege of pre-arrest bail.

7. Accordingly, the anticipatory bail petition stands rejected.

JUDGE

Comparing Assistant