GAHC010188062026

2026:GAU-AS:14933

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

Case No. : Bail Appln./2575/2026

MD RASHID KHALIFA
C/O RASNARA BEGUM, VILLKHUDNABARI, P.O. CHUKRUNGBARI, P.S. SARBHOG DIST. BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM
TO REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I A HAZARIKA,MR. SAYED SALIM AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 06-10-2026

1. Heard Mr. I.A. Hazarika, the learned counsel appearing for the accused-applicant. Also heard Mr. M.P. Goswami, learned Addl. P.P, Assam appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023,

praying for granting bail to the accused-applicant, namely **Md. Rashid Khalifa** in connection with **Sorbhog P.S. Case No.74/2026** registered under Section **21(b)** of the NDPS Act.

3. An FIR was lodged on 25.06.2026 before the Officer-in-Charge of Sorbhog Police Station by one Swadun Basumatary, S.I., alleging, *inter alia,* that at about 6:45 a.m. on 24.06.2026, police received information that VDP persons and local public caught one drug peddler at Khudnabari Gaon near Beki River; that accordingly, a G.D. Entry was made vide G.D. Entry No.22 dated 24.06.2026 and the police team reached the place of occurrence and apprehended the accused-applicant and on being searched, the police recovered 10.51 grams of suspected heroin. On the basis of the FIR police registered Sorbhog P.S. Case No.74/2026 under the aforementioned Sections.

4. The learned counsel appearing for the accused-applicant submits that the accused-applicant was arrested on the same day, i.e, 25.06.2026 and since then he is behind the bars for 104 days. He submits that the police filed the charge-sheet naming 12 witnesses. He further submits that charges were framed on 15.09.2026 and none of the witnesses have been examined till date. He also submits that since the quantity of heroin recovered is of intermediate quantity and the accused-applicant has already spent 104 days behind the bars, the accused-applicant should be granted bail at this stage, as he is willing to appear before the learned Trial Court.

5. On the other hand, Mr. M.P. Goswami, the learned Addl. P.P has opposed the prayer of the accused-applicant, submitting that the case is fixed

for evidence on 29.09.2026 and therefore, at this stage, bail should not be granted to the accused-applicant.

6. The scanned copy of TCR in the instant case has been received and the same is perused.

7. This Court has considered the submissions made by the counsel appearing for the respective parties. It is seen that the accused-applicant was arrested on 25.06.2026 with an intermediate quantity of suspect heroin weighing 10.51 grams. It is also seen that charges have been framed on 15.09.2026 and the case is fixed for evidence on 29.09.2026. Since the quantity of heroin seized is of intermediate quantity and the accused-applicant is behind the bars for 104 days, this Court is of the considered opinion that the accused-applicant can be granted bail at this stage.

8. Accordingly, it is directed that the accused-applicant, named above, shall be released forthwith from jail on furnishing of a bail bond of Rs.50,000/- (Rupees Fifty Thousand only) with a suitable surety of like nature to the satisfaction of the learned Special Judge (NDPS), Barpeta, subject to the following conditions:-

i) That the accused-applicant shall appear before the learned Trial Court on the next date fixed, i.e, 29.09.2026;

ii) That the accused-applicant shall submit his personal details like PAN Card, Driving Licence, ADHAAR Card etc. before the learned

Special Judge (NDPS), Barpeta;

iii) That the accused-applicant shall appear before the learned Trial Court as and when required; and

iv) That the accused-applicant shall not involve himself in any kind of offence as alleged in the FIR.

9. In the event of any violation of the conditions made hereinabove, the learned Special Judge (NDPS), Barpeta will be at liberty to take required legal action against the accused-applicant.

10. In terms of the aforesaid directions, the instant bail application is disposed of.

JUDGE

Comparing Assistant