GAHC010188922026

2026:GAU-AS:15450

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

Case No. : Bail Appln./2554/2026

DILDAR ALI AND ANR
S/O SUNDAR ALI
R/O VILL - 2 NO. NARAMARI, P.S. DHARAMTUL, DIST.- MORIGAON, ASSAM

2: AFTAR HUSSAIN
S/O RAFIQUL ISLAM R/O 1 NO. SOLMARI
HEKANAMARA P.S. DIST. - MORIGAON ASSA

VERSUS

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

Advocate for the Petitioner : S K PODDAR, MR. C SHARMA,R MANDAL,MR. R GHOSH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 13.10.2026

Heard Mr. S.K. Poddar, learned counsel for the accused applicants. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the

State.

2. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 whereby the accused applicants, **1. Dildar Ali & 2. Aftar Hussain,** have prayed for granting them bail after they were arrested in connection with Morigaon P.S. Case No.131/2026 registered under Sections 21(b)/29 of the NDPS Act, 1985.

3. An FIR was lodged on 11.08.2026 before the Officer-In-Charge of Morigaon Police Station, alleging that on 10.08.2026, at around 10:30 pm, police received one secret information regarding three persons dealing with suspected drugs at the house of Rejiya Sultana at 1 No. Solmari, Morigaon.

4. Accordingly, police reached the spot and all the three persons who were supposedly dealing with the drugs, namely, Dildar Ali, Rekibuddin Ahmed and Aftar Hussain, were apprehended. On a search of their bodies, 16 nos. of plastic vials filled with suspected heroin weighing 24.94 grams with container and one syringe were recovered from the pocket of Rekibudin Ahmed.

It is also alleged that Dildar Ali and Aftar Hussain were assisting the aforesaid Rekibuddin Ahmed in such illegal activities.

5. On receipt of the FIR, police registered Morigaon P.S. Case No.131/2026. After completion of the investigation, police filed charge-sheet on 16.09.2026.

6. Mr. S.K. Poddar, learned counsel for the accused applicants submits that the accused applicants are not involved in any kind of peddling or selling of drugs. He submits that no contraband substances have been recovered from the possession of Dildar Ali and Aftar Hussain and whatever contraband materials that have been seized were recovered from the body of Rekibuddin Ahmed. He submits that the amount recovered is of intermediate quantity, weighing 6.68

gms excluding the weight of the polythene.

7. Accordingly, the learned counsel for the accused applicants submits that the accused applicants should be released on bail.

The scanned copy of the TCR has been received.

8. The learned Additional Public Prosecutor has opposed the prayer for bail submitting that the accused applicant are also involved in assisting, peddling and selling of narcotics drugs.

9. This Court has heard the submissions made by the learned counsel for the respective parties and has considered the materials available in the TCR.

10. Taking into account of the fact that the accused applicants have already been behind bars for 64 days and the suspected narcotics have not been recovered from the body of the accused applicants, the same having been recovered from another person namely, Rekibuddin Ahmed, this Court is of the view that the accused applicants should be released on bail.

11. Accordingly, it is directed that the accused applicants named above shall be released on bail on furnishing bail bond of Rs.50,000/- each with two sureties of like nature to the satisfaction of learned Special Judge, NDPS, Morigaon subject to the following conditions:-

(i) the accused applicants shall appear before trial Court as and when required;

(ii) the accused applicants shall not tamper or hamper with the investigation of the case, in whatsoever manner.

(iii) the accused applicants shall provide the details of their Adhar Cards, Pan Cards, Driving licences and Passports, if any, before the learned Special Judge, NDPS, Assam.

In terms of the above, the instant application is disposed of.

JUDGE

Comparing Assistant