GAHC010195482026

2026:GAU-AS:16225

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

Case No. : Bail Appln./2692/2026

MONIR UDDIN
S/O ABDUL KARIM, R/O VILL BORKOLIA SURJYAMONI, PS FAKIRGANJ,
DIST SOUTH SALMARA MANKACHAR, ASSAM, PIN 783127

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : R AMIN, S K RAHMATULLAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

04.11.2026

Heard Mr. R. Amin, learned counsel for the accused and Mr. D.P. Goswami, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 483 of the BNSS, is preferred by the accused, namely, **Monir Uddin**, who has been languishing in jail hazot since 12.07.2026, in connection with **South Salmara PS Case No. 104/2026**, under Section 111(2)(b) of the BNS, read with Sections 22(c)/25/29 of the NDPS Act, for granting bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by SI Arup Jyoti Roy of South Salmara Police Station, on 11.07.2026.

4. The essence of allegation in the FIR, dated 11.07.2026, is that on that day, at about 01:30 pm, at South Salmara Ferry Ghat, the staff of South Salmara Police Station had intercepted one boat and apprehended two persons, namely, Rajib Miah and Moniruddin. During the search of the boat, they had recovered (i) 300 bottles of KOFFTRIP cough syrup; (ii) 114 boxed of SAMPLEX+ capsules; (iii) 15 boxes of Piyevon Spas Plus Capsules; and (iv) 6 boxes of NICOR-10 tablets.

5. Mr. Amin, learned counsel for the accused, submits that the accused is innocent and no way involved with the offence alleged in the FIR and that he is a driver of the engine boat. Mr. Amin further submits that on 11.07.2026, there were many persons in the boat and the accused was not aware of about the contents of the cartoons, which were carried by the passengers in the boat. Mr. Amin also submits that the accused was arrested on 12.07.2026 and since then he has been languishing in jail hazot and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the application.

6. Per-contra, Mr. Goswami, learned Additional Public Prosecutor, has vehemently opposed the application. He submits that the contraband substances were recovered from the possession of the present accused and the same are a commercial quantity. Mr. Goswami further submits that vide order dated 03.08.2026, considering the case diary, the learned trial court had rejected the bail application of the accused and under such circumstances, he has contended to dismiss this application.

7. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed

on record and also perused the scanned copy of the record received from the learned trial court.

8. It appears that the investigation has already been completed and charge-sheet has already been submitted, under Section 111(2)(b) of the BNS and read with Sections 22(c)/25/29 of the NDPS Act.

8.1. It also appears that the seized contraband substances were carried in the boat driven by the present accused. Though learned counsel for the accused submits that the accused had no knowledge about the contraband substances being carried in his boat by the passengers, yet the said submission left this Court unimpressed in view of the materials collected during the course of investigation and also in view of the fact that there were only two persons in the boat, the present accused and one Rajib Miah, as per FIR.

8.2. Further, it appears that the quantity of contraband substances, so recovered from the possession of the present accused, are of commercial quantity and as such, the accused has to satisfy the twin conditions of Section 37 of the NDPS Act, *that he is not guilty of the offence and he will not commit any offence while on bail* and unless these two conditions are satisfied with, the accused cannot be released on bail, as held by Hon'ble Supreme Court in the case of **Union of India vs. Ajay Kumar Singh @ Pappu**, in Criminal Appeal No. 952 of 2023 [Arising out of SLP (CRL.) No. 2351 of 2023].

8.3. But, from the submission of Mr. Amin, learned counsel for the accused and also from the given facts and circumstances on the record, this Court is unable to derive satisfaction about satisfying the twin requirements by the accused.

9. Thus, in view of above and also the materials placed on record, this Court is of the view that this is not a fit case, where the privilege of bail can be granted to the accused.

10. Accordingly, this application stands **dismissed**.

JUDGE

Comparing Assistant