GAHC010201602026

2026:GAU-AS:15100

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

Case No. : Bail Appln./2792/2026

ZAIRUL HOQUE ALIAS JAIRUL HOQUE
S/O BADARUDDIN, R/O VILL BHEDOATI, PS JAMUNAMUKH, DIST HOJAI, ASSAM

VERSUS

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

Advocate for the Petitioner : MR SARFRAZ NAWAZ, MD A RAHMAN,A MISHRA,MR. SURAJIT DAS,MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

07.10.2026

Heard Mr. S. Nawaz, learned counsel for the accused and Mr. P. S. Lahkar, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, 2023, is preferred by the accused, namely, **Zairul Hoque @ Jairul Hoque**, who has been languishing in jail hajot since 16.05.2026, in connection with Special (NDPS) Case No. 65/2026, registered under Sections 21(b)/27A/29 of the NDPS Act, 1985, arising out of Lanka P.S. Case No. 97/2026, pending before the Court of the learned Special Judge, Hojai, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Nilutpal Saikia, SI of Police, Lanka Police Station, on 17.05.2026.

4. The essence of allegation against the present accused in the FIR dated 17.05.2026, is that on 16.05.2026, at about 3:53 PM, the informant, along with staff, proceeded to Borboha Chariali and with the assistance of Dabaka Police Station, apprehended the accused Zairul Hoque, his wife Junaki Begum and one Firuj Ali. During search, one Villaon Mobile Handset, Indian currency of Rs. 120/-, one Black colour plastic carry bag, containing one red colour soap case, containing suspected Heroin, weighing 40.83 gms with container and 11:48 gms without container and one RE Hunter 350 motorcycle, bearing Registration No. AS 31H 3394, was recovered from the possession of said Firuj Ali; and further Indian currency of Rs. 39,120/- and one Bajaj Pulsar Motorcycle, bearing Registration No. AS 31D 6331 was recovered from the possession of the present accused; and one iPhone 16 pro max mobile handset was recovered from the possession of said Junaki Begum, and the aforesaid items were seized in presence of witnesses.

5. Mr. Nawaz, learned counsel for the accused submits that the accused is

innocent and no-way involved with the offences alleged in the FIR and nothing has been recovered from the accused, and whatever has been recovered and seized, it is from the possession of the co-accused. He also submits that the learned Trial Court has already framed charges against the accused under Section 21B/27A/29 of the NDPS Act, and that there is no material to frame charge against the accused under Section 27A of the NDPS Act, and under such circumstances, he has contended to allow this application.

6. Per contra, Mr. Lahkar, learned APP for the State respondent, has opposed the petition. He submits that the I.O. has collected sufficient incriminating materials against the accused and the learned Trial Court has already framed charges against the accused under Sections 21B/27A/29 of the NDPS Act, and that witnesses are yet to be examined and under such circumstances, he has contended to dismiss the application.

7. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also gone through the scanned copy of the Trial Court records.

8. It appears that vide order, dated 31.08.2026, the learned Trial Court has already framed charges against the accused under Sections 21B/27A/29 of the NDPS Act, on the ground that earlier, similar cases were pending against the accused Zairul Hoque @ Jairul Hoque. And the said order has not been challenged. Therefore, it cannot be said at this stage that no prima-facie case against the accused is made out under Section 27A of the NDPS Act, 1985.

9. Under the given facts and circumstances, this Court is of the view that this

is not a fit case where the privilege of bail can be granted. And accordingly, this Court is inclined to dismiss this application.

10. In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant