GAHC010201632026

2026:GAU-AS:16248

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

Case No. : Bail Appln./2832/2026

JAINUR ALI ALIAS JAYNUR ALI
S/O JEHER ALI, VILLAGE SATLA, P.S. SARTHEBARI, DISTRICT BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A SHEIKH, MS S A KHALIFA,MR. S A WASI,MS F INTAZ

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

05.11.2026

Heard Mr. M.A. Sheikh, the learned counsel appearing for the petitioner. Also heard Mr. Bhaskar Sarma, the Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 whereby the petitioner Jainur Ali @ Jaynur Ali, who is facing trial in N.D.P.S. Case No.278/2026 pending in the court of the learned Special Judge, NDPS, Guwahati, Assam has prayed for releasing him on bail.

3. On 23.04.2026, the petitioner and three other persons were detained with a Suzuki Brezza vehicle bearing Registration AS-01-FU-0619 and one black Royal Enfield Motorcycle bearing Registration No.AS-01-GJ-2234. During search of the vehicles, 432 nos. of Tramadol Hydrochloride Dicyclomine Hydrochloride and Acetaminophen capsules, 12 nos. of Triprolidine Hydrochloride and Codeine Phosphate syrup, each containing 100 ml. and 6 vials containing total 7 grams of suspected heroin were recovered from a blue school bag.

4. During examination in the Forensic Science Laboratory, Tramadol was found in the aforesaid tablets. Codeine was also found in the bottles of cough syrups. It was also confirmed that 7 grams of heroin was recovered. Police filed the *charge sheet*. Petitioner has now completed more than 4 months of detention in judicial custody.

5. Mr. Sheikh has submitted that Tramadol Hydrochloride Dicyclomine Hydrochloride and Acetaminophen is not a narcotic drugs according to the schedule given in the NDPS Act. Mr. Sheikh further submitted that each bottle of cough syrups was not tested in the Forensic Science Laboratory. According to Mr. Sheikh, 7 grams of suspected heroin is not a commercial quantity.

6. Mr. Sarma has referred to a Notification issued by the Government of India dated 26th April, 2018 wherein the Government of India has declared Tramadol to be a narcotic drug. The said notification makes it clear that 5 grams of Tramadol is considered a small quantity whereas 250 grams and more than that, is considered to be a commercial quantity.

7. I have considered the submissions made by the learned counsels of both sides.

8. In the case before the trial court, the charges are not yet considered. This Court

is of the opinion that the points raised by Mr. Sheikh can be raised before the trial court at the time of consideration of charges.

9. The points raised by the petitioner in this application are not satisfactory grounds for allowing the petitioner to go on bail. Therefore, the bail application is found to be devoid of merit and stands dismissed accordingly.

JUDGE

Comparing Assistant