GAHC010203122026

2026:GAU-AS:15967

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

Case No. : Bail Appln./2786/2026

SHAJAMAL ALI AND ANR
S/O FAJAL HOQUE, VILLAGE BHOUKAMARI, P.S. BARPETA, DISTRICT BARPETA, ASSAM.

2: RAKIBUL ALI
S/O HANIF ALI
VILLAGE BHOUKAMARI
P.S. BARPETA
DISTRICT BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI, MISS. S PARBIN,MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 02.11.2026

Heard Mr. H.A. Ahmed, learned counsel for the accused and Mr. D.P. Goswami, learned Additional Public Prosecutor for the State respondent.

2. This petition, under Section 483, BNSS is preferred by two accused, namely, Shajamal Ali and Rakibul Ali, who have been languishing in jail hazot in connection with Barpeta P.S. Case No. 311/2026, under Sections 21(b)/25/29 of the NDPS Act, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by SI(P) Arindom Bora, I/c of Kayakuchi Outpost, on 18.08.2026. The essence of allegation in the FIR dated 18.08.2026, is that the informant, along with police staff had apprehended one Shajamal Ali and Rakibul Ali, and recovered 5.26 grams of suspected narcotics substance from the possession of the accused persons.

4. Mr. Ahmed, the learned counsel for the accused submits that the accused persons were arrested on 18.08.2026 and since then, they have been languishing in jail hazot for last 76 days, and that the investigation of the case has already been completed and charge-sheet has been submitted. Mr. Ahmed also submits that charge has been framed under Sections 21(b)/29 of the NDPS Act, and till date, no witnesses have been examined so far, and that the accused persons are ready to face the trial and will appear before the learned trial Court on each and every date. Mr. Ahmed further submits that the quantity of contraband substance, allegedly recovered from the possession of the accused, is of intermediate quantity, and under such circumstances, Mr. Ahmed has contended to allow the petition.

5. On the other hand, Mr. Goswami, learned Additional Public Prosecutor has opposed the petition on the ground that though no witnesses have been examined till date, charge has been framed against the accused persons.

6. Having heard the submissions of learned Advocates of both sides, this

Court has carefully gone through the petition and the documents placed on record and also perused the scanned copy of the record received from the learned trial Court.

7. It is not in dispute that investigation of the case has already been completed and charge-sheet has been submitted against both the accused persons, and charges have also been framed against them under Sections 21(b)/29 of the NDPS Act, and that till date, no witnesses have been examined.

8. Having considered the period of detention (76 days), and also considering the fact that investigation of the case has already been completed and charge-sheet has been submitted against them and also charges have been framed against them, and further considering the fact that the quantum of contraband substance, allegedly recovered from the possession of the accused persons, is of intermediate quantity, this Court is inclined to allow the petition.

9. It is provided that on furnishing a bond of Rs. 50,000/- each, with one surety of like amount, to the satisfaction of the learned Special Judge, Barpeta, the accused persons be enlarged on bail.

10. The learned Special Judge, Barpeta is also granted the liberty to impose any condition to ensure attendance of the accused persons during the trial.

11. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant