GAHC010205002026

2026:GAU-AS:16203

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

Case No. : Bail Appln./2876/2026

SRI KUSHAL DAS
SON OF LATE PRABHAT DAS, RESIDENT OF VILLAGE BARKUCHI, P S PALASHBARI, DISTRICT KAMRUP R, ASSAM, PIN 781128

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:SI DIPJYOTI SARMA
GORCHUK POLICE STATION
P S GORCHUK
DISTRICT KAMRUP (M)
ASSAM
PIN 78103

Advocate for the Petitioner : MR. A CHOUDHURY, MS. A KAUSHAR,MR S ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

04.11.2026

Heard Mr. S. Islam, learned counsel for the petitioner. Also heard Mr. B.

Sharma, learned Addl. Public Prosecutor for the State.

This is an application under Section 483 of BNSS, 2023, for granting bail to the petitioner namely, Sri. Kushal Das in connection with Gorchuk P.S. Case No. 05/2026 registered under Sections 20(b)(ii)/C/29 of the NDPS Act.

An earlier bail application on behalf of the present petitioner was rejected by Order dated 07.08.2026 in Bail Application No. 2023 of 2026.

The brief facts of the case is that police acting on a prior information and set up a check point at Gorchuk Pamohi Road and in course of checking intercepted one alto vehicle being driven by the petitioner and recovered 32.891 KGs of suspected ganja from different parts of the vehicle on 05.01.2026 at about 06.18 p.m. Accordingly a D.G. Entry was made at Gorchuck P.S. vide GDE No. 39 dated 05.01.2026 and investigation was started.

It is submitted on behalf of the petitioner that the petitioner was unaware of the contents of ganja and he was driving the vehicle at the instruction of the employer i.e. the owner of the vehicle, which is a commercial vehicle.

The learned counsel for the petitioner submits that the petitioner is now 300 days behind the bar and considering the length of detention, the petitioner may be released on bail.

TCR is received and perused.

The learned Addl. Public Prosecutor submits that trial is going on and case

is now fixed for evidence. There are sufficient materials in the case diary to indicate that the petitioner is involved in the alleged offence.

It appears that recovery was made from the alto vehicle driven by the petitioner and suspected ganja was stored in different parts of the vehicle.

It is submitted and also transpires from the TCR that charges were framed on 01.04.2026, but since then the trial has not progressed due to non-appearance of prosecution witnesses and the next date in the case has been fixed for evidence on 23.11.2026 . However, considering the material available on record, the bar under Section 37 of the NDPS Act is attracted as commercial quantity of contraband has been recovered.

Consequently, the prayer for bail stands rejected at this stage.

It is expected that the learned Trial Court would take necessary action to ensure the presence of the prosecution witnesses.

Petition stands disposed of accordingly.

Communicate a copy of this order to the learned Special Judge, NDPS, Guwahati.

JUDGE

Comparing Assistant