GAHC010205992026

2026:GAU-AS:17070

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

Case No. : Bail Appln./2894/2026

RAMJAN ALI ALIAS RANJAN ALI
S/O LT HAMID ALI, R/O VILL ROUMARI PATHAR, DAULASAL, PS MUKALMUA, DIST NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MRS R BEGUM,MR A ALAM,MR. A A MONDAL,MR R A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE

HONOURABLE MR. JUSTICE PRANJAL DAS

O R D E R

19.11.2026

Heard Mr. N.J. Dutta, learned counsel for the petitioner. Also heard Mr. P.S. Lahkar, learned Addl. P.P. appearing for the State respondents.

2. Invoking under Section of 483 BNSS, the petitioner is seeking regular bail

in connection with Mukalmua P.S. Case No.91/2026 under Section 22(c)/27A of NDPS Act. The petitioner was arrested on 06.07.2026.

3. The gist of the allegations in the FIR was recovery of 288 numbers of SPASZ + capsules.

> " Description of article seized:
>
> 1. SPASZ+ capsule, Batch No- AGC 26018, MFG-05/2026, Exp-04/2028, Total capsule 1344 (56 strips each strip contain 24 capsn with Box)
>
> 2. SPAS Z+ capsule, Batch No- AGC 26012, mfg date-05/2026, Exp date- 04/2028 (12 strip each contain 24 capsules with Box) Total capsule – 288.
>
> 3. One Mobile Hand Set, IMEI-86917605893295 & 869170058932964.
>
> 4. Cash Rupees Seventy eight thousand five hundred only. (78500/-)."

4. The investigation of the case resulted in a charge-sheet and scanned record was called for and received.

5. However, Mr. Lahkar, learned Additional P.P., submits that the scanned record is incomplete and updated scanned record may be called for.

6. However, the Mr. Dutta, learned counsel for the petitioner makes some preliminary submissions on the basis of the existing materials with regard to the compliance or otherwise with the provision of production within 24 hours under Article 22(2) of the Constitution of India.

7. In this connection, my attention has been drawn to the FIR wherein, it is mentioned that the upon receiving the information, GD was made on 05.07.2026, the police party left at 11:30 p.m. and reached the house of the

petitioner on 12:10 a.m. Though the date is not mentioned, it obviously would mean 12:10 a.m. of 06.07.2026.

8. The petitioner was formally arrested on 06.07.2026 at 09:30 p.m. The order dated 07.07.2026 of first remand indicates production at 3:15 p.m. on 07.07.2026.

9. The principle which is deductible from the decisions of the Hon'ble Supreme Court in the case of ***Directorate of Enforcement Vs. Subhash Sharma in Special Leave Petition (Criminal No.1136/2023)*** and ***Sujit Das and Ors. v. Union of India (2026 INSC 1195)*** is that the period of 24 hours has to be calculated from the time of initial apprehension rather than the time of formal arrest and the constitutional mandate requires production within 24 hours, failing which, the arrest would become illegal/unconstitutional, requiring the petitioner accused to be granted bail on that ground itself.

10. The relevant para 69 of ***Sujit Das*** (supra) may be reproduced here:-

"***69.*** *In the circumstances, we would like to summarize our conclusions as under: (i) the 24 hours timeline as mandated under clause (2) of Article 22 of the Constitution of India would commence from the date and time of detention of the person detained when his liberty stands curtailed and not from the time of his formal arrest;*

(ii) in the event, such detention continues beyond 24 hours before the person is produced before a magistrate, he shall be forthwith released from custody;

(iii) while computing the 24 hours deadline, no other time period is permitted to be excluded therefrom except the time necessary for the journey from the place of arrest to the court of the magistrate;

(iv) the decisions of the Orissa High Court in Aryaman Pattnayak, Madras High Court in Kannan and Kerala High Court in Arun K. Thomas do not lay down the correct law qua interpretation of clause (2) of Article 22 of the Constitution of India;

(v) the detaining authority should keep in mind not only the 24 hours deadline mandated by

clause (2) of Article 22 of the Constitution but also ensure that such detention should not extend beyond a reasonable period within the 24 hours period considering the circumstances of the case in terms of Section 58 BNSS (Section 57 CrPC);

(vi) at the time of production, the magistrate is duty bound to record the actual date and time of detention of the person produced before him when his liberty stood curtailed and examine whether the 24 hours deadline has been complied with or not from the time of such detention. If there is breach of the 24 hours deadline, the concerned person shall be released forthwith from detention;

(vii) the magistrate shall also examine at the time of production whether the detention of the person produced, though is within the time frame of 24 hours, has exceeded the period which can be construed to be reasonable in the circumstances of the case. If he is satisfied that detention in custody has been for a longer period than what is reasonable, he may decline remand;

(viii) in so far the present case is concerned, for the reasons cited in paragraphs 65, 66 and 67 above, the detention of the appellants was not only in breach of clause (2) of Article 22 of the Constitution of India but was for a period beyond what can be construed to be a reasonable period considering all the circumstances of the case which was in contravention of Section 58 BNSS (Section 57 CrPC);

(ix) consequently, we set aside the impugned judgment and order of the High Court dated 29.04.2026 and direct that the appellants shall be produced before the jurisdictional Special Court within a maximum period of 7 days from today whereafter they shall be released on bail on such terms and conditions as may be deemed appropriate..''

11. In the instant case, it is clear from the FIR that seizure was completed and the police along with the apprehended accused person left at 12:36 a.m. on 06.07.2026. Therefore, the production had to be at or before 12:36 a.m. on 07.07.2026. However, the same has been done at 3:00 p.m. on 07.07.2026, thereby violating Article 22(2) of the Constitution of India vis-à-vis the principles laid down in ***Subhash Sharma*** (Supra), and ***Sujit Das*** (Supra).

12. In such view of the matter, the petitioner, namely, **Ramjan Ali @ Ranjan Ali** is allowed to go on bail of **Rs.1,00,000/-** with two sureties of the like

amount, at least one of which has to be from the State of Assam, to the satisfaction of the concerned learned Court. The following conditions are imposed:-

(i) He shall not abscond,

(ii) He shall cooperate with the trial,

(iii) He shall not hamper or tamper with evidence,

(iv) He shall not try harm or threaten or influence any witnesses.

(v) He shall not indulge in any activities including activities prohibited by the NDPS Act.

13. The violation of the bail conditions will make the bail liable to be cancelled.

14. A copy of this order shall be sent to the learned Superintendent of Police, Nalbari, who in turn shall seek an explanation from the concerned police official as to why the production of the accused person calculated from the time of initial apprehension on 12:30 a.m. on 06.07.2026 was not done so within 24 hours. Especially, when the matter pertinent to such serious allegations about alleged seizure of large quantity of psychotropic substances, which injected into the market would destroy the lives of countless youth.

15. This bail application stands disposed of.

JUDGE

Comparing Assistant