GAHC010209472026

2026:GAU-AS:15351

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

**Case No. : Bail Appln./2945/2026**

SRI GAUTAM SARMA AND ANR
SON OF LATE BALIN SARMA, RESIDENT OF VILLAGE NAGAON BRAHMAN SUBA UNDER BAIHATA CHARIALI POLICE STATION IN THE DISTRICT OF KAMRUP, ASSAM.

2: SRI MANASH SARMA
SON OF SRI GAUTAM SARMA RESIDENT OF VILLAGE NAGAON BRAHMAN SUBA UNDER BAIHATA CHARIALI POLICE STATION IN THE DISTRICT OF KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P. ASSAM.

**Advocate for the Petitioner** : MR P CHOUDHURY, MS B GOSWAMI,MS P SAIKIA

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**
**HONOURABLE MR. JUSTICE ANJAN MONI KALITA**

**ORDER**

**Date : 12-10-2026**

1. Heard Mr. D. Talukdar, the learned Sr. Counsel assisted by Mr. P. Choudhury, the learned counsel appearing for the accused-applicants. Also heard Mr. M.P. Goswami, the learned Addl. P.P, Assam appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for granting bail to the accused-applicants, namely **1) Gautam Sarma** and **2) Manash Sarma** in connection with **Baihata Chariali P.S. Case No.199/2026** registered under Sections **20(b)(ii)(C)/ 29** of the NDPS Act, 1985.

3. The gist of the case is that one Juhi Kangkan Patgiri, WSI(P) of Baihata Chariali Police Station lodged an FIR before the Officer-in-Charge, Baihata Chariali Police Station on 01.09.2026, alleging that on the same day, at around 2:00 a.m, an information was received from secret sources about the accused-applicants being involved in storing huge quantity of ganja in their dwelling house. Accordingly, after recording the G.D. entry, the police proceeded to the dwelling house of the accused-applicants and on search, they recovered 23.845 K.G. of ganja and cash amount of Rs.15,59,550/-.

4. On receipt of the FIR, police registered Baihata Chariali P.S. Case No.199/2026 under the aforementioned sections.

5. The learned counsel appearing for the accused-applicants submits that the accused-applicants are, in fact, father and son involved in a business of selling puja items as well as in the business of sculpting different deities. He submits that in fact, the accused-applicants are not involved in any kind of peddling or selling of narcotic contraband materials. However, they had stocked the ganja that had been seized for the purpose of puja and selling for the purpose of puja only. He submits that the accused-applicants have already been in jail for last 42 days and taking into account the fact that they are not involved

in any kind of financing, peddling or smuggling of the contraband materials, the accused-applicants should be granted bail at this stage. He further submits that the quantity so recovered is only marginally more than the intermediate quantity.

6. Mr. M.P. Goswami, the learned Addl. P.P., on the other hand, opposes the prayer for bail of the accused-applicants, stating that the quantity recovered is of commercial quantity and therefore, the rigors of Section 37 of the NDPS Act shall be applicable in the instant case.

7. The case diary in the instant case is received and the same has been perused.

8. This Court has considered the submissions made by the counsel appearing for the respective parties. Taking into account the fact that the quantity of ganja that has been seized is of commercial quantity and statements have been made to the effect that the accused-applicants are in the business of selling ganja for a long time, this Court is not inclined to grant any relief to the accused-applicants at this stage.

9. Accordingly, the instant bail application is rejected at this stage.

**JUDGE**

**Comparing Assistant**