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

Case No. : Bail Appln./2999/2026

ASIT PAUL
S/O LATE ARABINDA PAUL, R/O VILL LAMAJUAR, PO LAMAJUAR, PS AND DIST SRIBHUMI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR N A MAZARBHUIYA, MS. K R PAUL,A S CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 03.11.2026

Heard Mr. N.A. Mazarbhuiya, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State.

2. This application under Section 483 of BNSS, 2023 has been filed by the

petitioner, namely, **Asit Paul**, praying for regular bail in connection with Sribhumi P.S. Case No. 162/2026 u/s 22(c)/29 of NDPS Act.

3. The petitioner is stated to have been arrested on 11.07.2026.

4. The case was registered based on an FIR dated 10/7/2026 lodged by police official of the same police station. The gist of the allegations is that upon source information, a team proceeded to the place of occurrence where two suspected persons were found loitering and in the presence of witnesses, they found a blue colured bag (backpack) and upon being searched the same, a black coloured plastic bag was found in which a bundle wrapped with black and yellow colored adhesive tapes. As per the allegations, the bundle was found to contain five numbers of creamy-coloured packets each of which in turn contained ten numbers of black coloured plastic pouches. It is alleged that each black coloured plastic pouch contained two hundred numbers of Yaba tablets. It is alleged that ten such plastic pouches were found in total 10,000 Yaba tablets were recovered along with two mobile phones. The petitioners were formally arrested on 11/7/2026 and since then they are in custody.

5. The learned counsel submits that apart from the length of detention, the seizure list indicates the date of seizure as 10/7/2026 at 7 PM and the formal arrest is shown as 11/7/2026 at 10:30 AM. It is submitted by the learned counsel that the in the notices under 47/48 BNSS, no time is indicated and that in this context, it is contended that the details were furnished just before the production for remand thereby, the violation of the principle laid down in ***Mihir Rajesh Shah -vs- State of Maharashtra,***reported in ***(2026) 1 SCC 500***.

6. On the other hand, the learned Additional Public Prosecutor submits that apart from the seriousness of the alleged offenses involving commercial quantity of suspected Yaba tablets, investigation is still in progress. It is submitted that the petitioners upon being arrested were produced on 11th itself and as per the case diary, the police produced them at 2:30 PM on 11/7/2026 and that, it is submitted that there is no violation of the statutory guidelines of the Hon'ble Apex Court in this regard. The learned additional Public Prosecutor opposes the bail at this stage.

7. The case diary has been placed before this Court.

8. Upon perusing the case diary, I find that the seizure witnesses who are not police personnel have stated about the two accused persons including the petitioner being found at the place of occurrence and searched whereupon a bag was found and search of the same revealed ten thousand (10,000) suspected Yaba tablets contained in 10 black coloured plastic pouches. He also stated that the recovered suspected contraband was packed in a carton box marked Parle 2020.

9. I have perused the other parts of the case diary including the inventory documents, the certificate of the Magistrate and the photographs. Investigation is in progress.

10. The complainant has supported the allegations in the FIR. In view of the incriminating materials noticed, this Court is unable to hold that the test of Section 37 NDPS Act (which is applicable to the quantity of the suspected contraband) would be passed in favour of the accused. Therefore, at this stage,

the Court is statutorily Bar from granting bail and hence, the bail petition stands **rejected** at this stage.

11. Return the case diary.

JUDGE

Comparing Assistant