GAHC010214452026

2026:GAU-AS:15515

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

Case No. : Bail Appln./3026/2026

JAKIR HUSSAIN
SON OF RAHMAT ALI RESIDENT OF VILLAGE DALGRAM POLICE STATION RATABARI DISTRICT SRIBHUMI ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R CHOUDHURY, Z HUSSAIN,MS G TALUKDAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 13-10-2026

1. Heard Mr. H.R. Choudhury, the learned counsel appearing for the accused-applicant. Also heard Ms. A. Begum, 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-applicant, namely **Jakir Hussain** in connection with **Patharkandi P.S. Case No.22/2026** registered under Sections **22(C)/25** of the NDPS Act pending in the Court of learned Special Judge, Sribhumi.

3. The gist of the case is that on 03.03.2026, an FIR was lodged before the Patharkandi Police Station at 2 p.m., alleging that acting on reliable information regarding transportation of narcotic substances, a police team led by the complainant did a naka checking, during which a grey Maruti Suzuki WagaonR vehicle bearing registration No.AS-01-GQ-5191 was searched. Upon search, 10,000 suspected Yaba tablets weighing 1053 grams were recovered. Accordingly, the accused, namely Jakir Hussain was detained.

4. On receipt of the FIR, police registered Patharkandi P.S. Case No.22/2026 under the aforementioned sections.

5. The learned counsel appearing for the accused-applicant submits that the accused-applicant was not produced within the mandatory period of 24 hours before the Magistrate. Therefore, the same being in violation of the mandates of the Constitution of India as well as the BNSS, 2023, the accused-applicant should be granted bail on that ground alone. He submits that there are certain mismatches in the GD entry as well as the FIR and seizure list. He submits that from the GD entry it appears that the accused-applicant was, in fact, arrested prior to the time that has been mentioned in the arrest memo. In view of the aforesaid, he prays that the accused-applicant should be granted bail.

6. The TCR in the instant case is received and the same has been minutely perused by this Court.

7. The learned Addl. P.P., on the other hand, opposes the prayer for bail, stating that the accused-applicant was, in fact, produced within time before the Magistrate.

8. This Court has gone through the GD entries as well as the FIR, seizure list, Forwarding Report and the orders passed by the learned Sessions Judge, Sribhumi. On perusal of the materials available in the TCR, it is seen that vide GD entry No.006 dated 04.03.2026, at 2:25 hrs. an entry has been made, whereby it has been stated that the police team proceeded to the C.J.M., Sribhumi at 01:30 p.m. on 04.03.2026. From the aforesaid material, it is apparent that the accused-applicant was produced before the learned C.J.M. within 24 hours of his detention.

9. In view of the aforesaid, finding no ground for granting any relief to the accused-applicant the instant bail application is dismissed.

JUDGE

Comparing Assistant