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2026:GAU-AS:15026

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

Case No. : Bail Appln./3005/2026

SAFIKUL ISLAM
SON OF MANURUDDIN, RESIDENT OF VILLAGE KAURPARA, P S GOBARDHANA, DISTRICT BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, IMDADUL ISLAM,MR. M M ZAMAN,MR N AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 07-10-2026

1. Heard Mr. N. Ahmed, the learned counsel appearing for the accused-applicant. Also heard Mr. M.P. Goswami, 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 **Safikul Islam** in

connection with **Patacharkuchi P.S. Case No.119/2026** registered under Section **21(b)** of the NDPS Act, 1985.

3. The prosecution case in brief is that an FIR was lodged by one SI Jagendra Pathak of Sarupeta Police Outpost before the Officer-in-Charge of Patacharkuchi Police Station alleging, *inter alia,* that on 07.08.2026 at around 8:55 p.m, on receipt of secret information regarding illegal sale of narcotic drugs by one Safikul Islam, police proceeded to Sukmanah Village; that on reaching there at around 9:20 p.m, they detained the aforesaid Safikul Islam and on being searched after serving notice under Section 50 of the NDPS Act, one black-coloured polythene bag containing 5 containers suspected to contain heroin were recovered from his possession. It is alleged that the recovered substance weighed 6 grams and it gave positive result for heroin during testing by drug testing kit.

4. On receipt of the FIR, police registered Patacharkuchi P.S. Case No.119/2026 under the aforementioned Sections.

5. The learned counsel appearing for the accused-applicant submits that the quantity of the contraband recovered from the accused-applicant is of a small quantity and the accused-applicant has already spent 60 days behind the bars since his arrest on 07.08.2026. He submits that since no charge-sheet has been filed till date and the quantity recovered is small, he should be allowed to go on bail at this stage. He also submits that the mandatory period of 60 days would be over today.

6. The learned Addl. P.P on instructions has submitted that no charge-sheet has been filed in the instant case as yet.

7. Taking into account the fact that the quantity recovered is of small quantity and as no charge-sheet has been filed on the 60th day of the arrest of the accused-applicant, this Court is of the considered opinion that the accused-applicant should be granted bail.

8. Accordingly, it is directed that the accused-applicant, named above, shall be released forthwith from jail on furnishing of a bail bond of Rs.50,000/- (Rupees Fifty Thousand only) with a suitable surety of like nature to the satisfaction of the learned Special Judge (NDPS), Pathsala, Bajali, subject to the following conditions:-

i) That the accused-applicant shall cooperate with the investigation and make himself available as and when called for by the Investigating Authority;

ii) That the accused-applicant shall not hamper or tamper with the investigation in any manner; and

iii) That the accused-applicant shall provide his personal details like PAN Card, Driving Licence, ADHAAR Card etc. before the learned Special Judge(NDPS), Pathsala, Bajali.

9. In the event of any violation of the conditions mentioned hereinabove, the Investigating Officer shall be at liberty to move for cancellation of the bail.

10. In terms of the aforesaid directions, the instant bail application is disposed of.

JUDGE

Comparing Assistant