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2026:GAU-AS:15101

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

Case No. : AB/2442/2026

BHUPEN DAS
S/O BHABEN DAS, R/O VILL SADERISUPA, NAOSALI, PO THAMNA, PS MUSHALPUR, DIST BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M HOQUE, MS. F YASMIN,MS J BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

07.10.2026

Heard Mr. M. Hoque, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent No. 1.

2. This application, under Section 482 of the BNSS, 2023, is preferred by the applicant, namely, **Bhupen Das**, who has been apprehending his arrest in

connection with Mushalpur P.S. Case No. 60/2026, under Sections 20(b)(ii)(B)/25/29 of the NDPS Act, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Ms. Brindashree Kalita, WSI of Police, Athiabari Outpost, on 29.08.2026.

4. The essence of allegation in the FIR, dated 29.08.2026, is that acting on a tip off, the informant and other police staff conducted search in the house premises of one Ramesh Das of Saderi Supa and recovered two numbers of plastic sack, containing dried leaves of Cannabis (Ganja), weighing a total of 6.842 kgs, and seized the same in presence of witnesses.

5. Mr. Haque, learned counsel for the applicant submits the applicant is innocent and no-way involved with the offences alleged in the FIR and that the contraband substances were recovered from the possession of accused Ramen Das, who is the son of the present applicant. He also submits that both the applicant and accused Ramen Das are living in two different houses, and that the applicant is an old person and he is ready to cooperate with the investigating agency and therefore, he has contended to allow this application.

6. Per contra, Mr. Sarma, learned Additional Public Prosecutor has opposed the petition. By producing the case diary before this Court, he submits that the witnesses examined so far, shows the complicity of the applicant with the offences alleged in the FIR. He also submits that the present applicant and the arrested accused, namely, Ramen Das, are father and son, and they are involved in illegal activities for a long time. And even though the villagers have

asked them several times to stop such activities, they did not pay any heed to the such requests of the witnesses.

6.1 Mr. Sarma, referring to the statement of the co-accused, submits that the present applicant is the person who deals with the business of Ganja, and that custodial interrogation of the applicant is indispensible in the interest of investigation and under such circumstances, he has contended to dismiss this application.

7. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also gone through the case diary with the assistance of the learned Additional Public Prosecutor.

8. It appears that 6.842 kgs of suspected Ganja was recovered from the premises of the house of the accused Ramen Das, and from the materials collected so far in the case diary, it appears that the present applicant also resides in the same household along with the accused Ramen Das.

9. It also appears that the present applicant deals with the aforementioned business of Ganja, as pointed out by Mr. Sarma, learned APP.

10. Investigation is currently going on and at this stage, it cannot be said that custodial interrogation of the applicant is not required in the interest of investigation.

11. And accordingly, this Court is of the view that this is not a fit case where

the privilege of pre-arrest bail can be granted to the applicant. And accordingly, this anticipatory bail application stands dismissed.

12. In terms of the above, this application stands disposed of.

13. Case diary be returned.

JUDGE

Comparing Assistant