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

Case No. : Bail Appln./3033/2026

SUDIPTA PRAKASH BORA
S/O- UTTAM CHANDRA BORA R/O- NORTH HAIBORGAON, P.S.- NAGAON, DISTRICT- NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S HUSSAIN, A JUBARIA,MR. H RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : ***12.11.2026***

Heard Mr. S. Hussain, learned counsel for the accused applicant. Also heard Mr. B. Sharma, learned Addl. Public Prosecutor for the State of Assam.

2. This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying for granting bail to the accused applicant in connection with Special NDPS Case No.110/2026, corresponding to Nagaon P.S. Case No. 221/2026, registered under Sections 21(b)/22(c)/25 of the NDPS Act.

3. The gist of the facts is that an FIR was lodged by SI Gokul Khanikar of Haiborgaon TOP, Nagaon Police Station, on 18.03.2026, alleging that, upon receipt of secret information, the police conducted a search of the accused-applicant's residence on 18.03.2026 and recovered 88.02 grams of suspected heroin (60.53 grams without the soap boxes) in a blue soap box, along with five small plastic vials. The police also recovered 22 bottles of Codeine Phosphate & Triprolidine Hydrochloride cough syrup, five strips of Nitrazepam Tablets IP 10 MG, two strips of Dicyclomine Hydrochloride & Paracetamol tablets, and a Yamaha Fascino scooter.

4. On the basis of the above FIR, the police registered Special NDPS Case No.110/2026, under the aforementioned sections.

5. Upon completion of the investigation, the charge-sheet has been filed in the instant case. The accused applicant has been in judicial custody since 18.03.2026, and the trial is at the evidence stage.

6. Learned counsel for the accused applicant submits that although the accused applicant was apprehended at around 2:35 PM, he was not produced before the concerned Magistrate within 24 hours of his arrest. He submits that, in view of the aforesaid, there has been a clear violation of Article 22(2) of the Constitution of India as well as Section 58 of the BNSS, 2023. Therefore, he submits that, on this ground alone, the accused applicant should be granted bail.

7. The Trial Court Records have been received and perused.

8. On the other hand, Mr. Sharma, learned Additional Public Prosecutor, opposes the prayer for bail, stating that the accused applicant was, in fact, produced before the concerned Magistrate, i.e., SDJM, Nagaon, within 24 hours. Therefore, there is no violation of Article 22(2) of the Constitution of India or Section 58 of the BNSS, 2023.

9. This Court has perused the records available in the Trial Court Records. It is seen from the inspection memo that the inspection was completed at around 3:30 PM on 19.03.2026. From the medical report also, it is seen that the accused applicant was produced for medical examination at around 3:30 PM on 19.03.2026. From the GD Entry available in the Case Diary, it is seen that the police received the information at about 2:20 PM on 18.03.2026, and the accused applicant was apprehended at around 2:50 PM. It is further seen from the records that the seizure was made at around 3:30 PM and from the aforesaid records, it appears that the accused applicant was produced before the SDJM, Nagaon, on 19.03.2026, however, no specific time of his production before the SDJM, Nagaon, has been mentioned in the records. From the medical report of BM Civil Hospital, Nagaon, which was prepared at 3:30 PM on 19.03.2026, it can be safely inferred that the accused applicant must have been

produced in and around 3:30 PM on 19.03.2026.

10. Taking into account the aforesaid facts, it is seen that the accused applicant was produced before the learned SDJM, Nagaon, within 24 hours of his arrest. In view of the aforesaid finding, no ground is made out for granting bail to the accused applicant in the instant case.

11. In view of the aforesaid, this bail application stands dismissed, as rejected.

JUDGE

Comparing Assistant