GAHC010216742026

2026:GAU-AS:16158

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

Case No. : Bail Appln./3090/2026

BURHAN UDDIN LASKAR
S/O-LT. ISHAK ALI LASKAR PERMANENT RESIDENT OFVILLI- HARISH NAGAR PT-2 P.S- KATLICHERRA, DIST- HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P ASSAM

Advocate for the Petitioner : MR. K A MAZUMDER, S A ISLAM,MISS R A CHOUDHURY,MR E AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 04.11.2026

Heard Mr. K.A. Mazumder, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. By this application has been filed under section 483 of the

Bharatiya Nagarik Suraskha Sanhita, 2023, whereby the accused petitioner namely, **Burhan Uddin Laskar,** has prayed for bail in connection with Special (NDPS) Case No. 03/2026 u/s 22(c)/29 of NDPS Act (arising out of Katlicherra P.S. Case No. 80/2025), pending before the learned Special Judge (NDPS), Hailakandi.

3. The petitioner was arrested on 31/12/2025.

4. The learned counsel for the petitioner contends that apart from the petitioner being in custody since for about 308 days. There are also discrepancies between the FIR and the testimony of the witness during the trial. It is submitted that upon being granted bail, the petitioner will comply and abide by any conditions imposed and cooperate with the trial.

5. The case upon investigation resulted in a charge sheet where 13 witnesses have been listed for examination and three witnesses have already been examined as submitted by the prosecution.

6. The scanned TCR, as called for, is available.

7. The complainant has supported the allegations in the FIR about receiving source information regarding peddling of narcotic drugs whereupon operation was carried out and the two persons were apprehended. It is alleged in the FIR and also supported by the complainant that 35 number of packets were found, each of which were found to contain 200 numbers of suspected Yaba tablets (Methamphetamine).

8. Perused the statements of the seizure witnesses who have supported the seizure from the accused persons including the present petitioner. The statements of the two seizure witnesses have been

examined during the trial as PW1 and PW2. PW1 has again supported the seizure naming the present petitioner as well.

9. Considering the quantity in question and the penal provision in the cover, the applicability of Section 37 has to be seen and upon perusing the aforesaid materials, this Court is of the considered view that it cannot be said that the test of section 37 is passed in favour of the accused. In that situation, at this stage, this Court would also be statutorily barred from granting bail to the accused.

10. Accordingly, the bail petition stands **rejected** at this stage.

11. Needless to say that subject to the usual constraints of docket load, it is hoped that the trial will be completed expeditiously.

12. The bail petition stands disposed of.

JUDGE

Comparing Assistant