GAHC010217002026

2026:GAU-AS:15184

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

Case No. : Bail Appln./3036/2026

CHANDRA DAS ALIAS NAL
SON OF LATE PUTUL DAS, VILLAGE DIHING PARIYA, P.S. MARGHERITA, DISTRICT TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MR J SINGH,MS M ZOMUANPUII,MS S JAIN,MR H AGARWAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 08-10-2026

Heard Mr. B. D. Konwar, learned Senior Counsel assisted by Mr. H. Agarwal, learned counsel for the accused applicant and Mr. K. K. Parasar, learned Additional Public Prosecutor for the State.

2. This is an application under Section 483 of the BNSS, 2023, praying for grant of bail to the accused applicant, who was arrested on 01.05.2026, in

connection with NDPS Case No. 29/2026, arising out of Margherita P.S. Case No. 41/2026, registered under Sections 61(2)/111 of the BNS, 2023 read with Section 21(b)/27A of the NDPS Act, 1985.

3. The gist of the case is that, before registering the FIR, the informant, *S.I. Siddharth Nath*, recorded G.D.E. No. 014 dated 30.04.2026 regarding receipt of credible information concerning the alleged possession and sale of narcotic substances at the residence of the accused applicant at Dehing, Puriyagaon. Pursuant thereto, at about 04:20 p.m., the informant along with the police personnel, reached the residence of the accused applicant and conducted a search in the presence of independent witnesses. During the search, 28.21 grams of suspected heroin was recovered from an almirah, comprising 12.46 grams, 11.59 grams and 4.16 grams, respectively. The police also recovered 2 soap boxes, 11 tobacco containers containing suspected substances, 18 empty plastic tobacco containers, 3 (three) mobile phones, cash amounting to Rs.7,20,950/-, gold ornaments weighing 45.37 grams and certain other documents, including a cheque book and bank passbook.

4. On receipt of the FIR, the police registered the Margherita P.S. Case No. 41/2026 under the aforementioned sections.

5. Mr. Konwar, learned Senior Counsel appearing for the accused-applicant, submits that the quantity seized was not from the personal possession of the accused applicant but from the house where his mother was residing. He further submits that Section 27A of the NDPS Act shall not be applicable in the instant case as there is no material to show that there was any financial activity involved in relation to narcotics in the instant case. He submits that the accused applicant was arrested on 01.05.2026 and has been behind bars for the last 160 days. He submits that the charge-sheet was submitted on 23.06.2026 and

charges were framed on 02.07.2026. He further submits that, till date, no witnesses have been examined although 7 (seven) witnesses have been named in the charge-sheet. He submits that 5 (five) dates have already gone by and no witnesses have been examined as yet. In view of the aforesaid, he submits that since the quantity recovered is of intermediate quantity and the trial is likely to take considerable time, the accused applicant should be granted bail. He further submits that, since Section 27A is not found to be involved in the instant case, the embargo imposed by Section 37 of the NDPS Act is not applicable in the instant case and therefore, on that ground alone, the accused applicant should be granted bail.

6. Mr. K. K. Parasar, learned Additional Public Prosecutor, on the other hand, opposes the prayer for bail, submitting that there are sufficient materials indicating the involvement of the accused applicant in the instant case. He further submits that, since the charges have been framed only on 02.07.2026 and the trial is proceeding at a reasonable pace, at this stage, bail should not be granted to the accused applicant.

7. This Court has heard the submissions made by the learned counsel appearing for the respective parties and has also gone through the materials available in the Trial Court Record.

8. This Court has also gone through the statements of the independent witnesses, including the seizure witnesses, recorded before the police and has taken into account the fact that the trial is yet to commence and only 7 (seven) witnesses have to be examined. It is also observed that there is no delay as such in the investigation in the matter and that the charge-sheet was filed within a reasonable time.

9. Taking into account the aforesaid facts and circumstances, this Court is not inclined to grant bail to the accused applicant at this stage. Accordingly, to the bail application stands rejected.

JUDGE

Comparing Assistant