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

Case No. : Bail Appln./3137/2026

SRI DEEPAK BORO AND ANR
S/O LATE KANTHORAM BORO, R/O VILLAGE MAJBAT NAHARBARI, P.S. MAJBAT, DISTRICT UDALGURI, ASSAM.S/O LATE KANTHORAM BORO, R/O VILLAGE MAJBAT NAHARBARI, P.S. MAJBAT, DISTRICT UDALGURI, ASSAM.

2: SRI DEBESWAR KARMAKAR

S/O SRI ARJUN KARMAKAR
R/O VILLAGE MAJBAT KHANAMUKH
P.S. MAJBAT
DISTRICT UDALGURI
ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A RAJKHOWA,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE ANJAN MONI KALITA

16.11.2026

Heard Mr. R. P. Hazarika, learned counsel for the accused applicants

and Mr. K. K. Parasar, learned Addl. PP for the State of Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the accused applicants in connection with Biswanath P.S. Case No. 97/2026 registered under Section 20 (b) (ii) (B)/29 NDPS Act.

3. The gist of the case is that on 09.06.2026 at around 1.20 PM, on receipt of a reliable information, the Police intercepted a Datsun Redi-Go vehicle bearing registration No. AS-12T-3573 coming towards Biswanath Chariali from Sootea side. The aforesaid vehicle was driven by one Deepak Boro and he was accompanied by one Debeswar Karmakar. On search of the aforesaid vehicle, the Police recovered eight plastic bags containing suspected Ganja weighing 41.27 Kgs.

4. On the basis of the FIR, the Police registered Biswanath P.S. Case No. 97/2026 under the aforementioned sections.

5. It is seen that though the case was registered under Section 20 (b) (ii) (B), however, the charge sheet in the instant case has been filed under Section 20 (b) (ii) (C)/29 of the NDPS Act. The insertion of the aforesaid section means that the amount recovered is of commercial quantity in the instant case.

6. The learned counsel appearing for the accused applicants submits that the vehicle does not belong to the accused applicants and the

accused applicants were simply driving the vehicle belonging to a person, who is stated to be a friend of theirs. He submits that they do not have any knowledge that the contraband materials were kept in the boot space of the vehicle, therefore, he submits that there is no recovery of the contraband materials from the conscious possession of the accused applicants. He further submits that the accused applicants are behind bars for the last 189 days and therefore, the accused applicants should be granted bail, at this stage.

7. Trial Court Records in the instant case has been received and the same has been perused.

8. Mr. K. K. Parasar, learned Addl. PP for the State of Assam, on the other hand, opposes the prayer for bail. He submits that commercial quantity of narcotics i.e. Ganja has been recovered from the vehicle driven by the accused applicants and submits that no witnesses have been examined in the instant case, as yet and therefore, at this stage, the accused applicants should not be granted bail.

9. This Court has heard the submissions made by the learned counsel for the respective parties and has also gone through the materials in the TCR.

10. Taking into account of the fact that no witnesses have been examined, as yet as well as the recovery of the contraband materials is of commercial quantity, this Court is not inclined to grant any bail to the

accused applicants, at this stage. Accordingly, the instant bail application stands dismissed, as rejected.

JUDGE

Comparing Assistant