GAHC010218302026

2026:GAU-AS:17456

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

Case No. : Bail Appln./3093/2026

INNAS ALI
SON OF LATE DARAJ HAJI, RESIDENT OF VILLAGE DHARMAPUR, P.S. ALOPATICHAR, DISTRICT BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI, N PERVIN,MR. MUSTAFA HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 25-11-2026

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional PP for the State.

2. Invoking section 483 BNSS, the petitioner is seeking regular bail in connection with Special (NDPS) Case No. 67/2026 (arising out of Alopatichar PS

Case No. 33/2026) under section 20(b)(ii)(B) NDPS Act. The petitioner was arrested on 22.07.2026 and presently is in judicial custody.

3. The case was registered based on an FIR dated 21.07.2026 stating/alleging that upon receiving secret information, the police team proceeded to Alopati Majarchar Bazar and apprehended the petitioner, who during investigation disclosed that he had come to sell ganja with one Jasimuddin. Subsequently, the said Jasimuddin was also apprehended and the quantity of the contraband in the nature of suspected ganja, alleged to have been seized from the house of Jasimuddin was 6.448 kgs.

4. Mr. R. Ali, learned counsel submits that nothing was recovered from the possession of the present petitioner and he is in custody since 22.07.2026. The petitioner has also filed an additional affidavit contending about infraction of the provisions of Article 22 (2) of the Constitution of India. It is stated in para 3 of the additional affidavit that the petitioner was apprehended at 2:20 pm on 21.07.2026; formally arrested at 10:30 am on 22.07.2026 and as clearly mentioned in the forwarding report itself, produced on 22.07.2026 at 3:10 pm. It is submitted that thereby, the period of 24 hours exceeded at the time of his production.

5. The scanned record is available.

6. I find that only 5 (five) PWs are listed in the chargesheet and the case is at the stage of consideration of charge.

7. Mr. Sharma, learned Additional PP has rightly pointed out that as per the FIR, secret information was received at 02:20 pm at the police station, whereafter, the police team proceeded to the Alopati Majarchar Bazar, followed

by the apprehension of the petitioner. It is also submitted that as per the maps available in the public domain, the distance between the said bazar and the police station is about 19 kms. On such premises, the learned Additional PP submits that there are no materials to arrive at a definite finding that the production, even from the time of initial apprehension was beyond the period of 24 hours.

8. I have perused the materials. There is no dispute about the time of production which is 3:10 pm on 22.07.2026 and the arrest also at 10:30 am on 22.07.2026. However, as rightly contended by the prosecution, the exact time of apprehension is not mentioned nor it emerges from the FIR.

9. Therefore, it is perhaps correct to say that it cannot be stated conclusively that the period of 24 hours was exceeded at the time of production. Nevertheless, considering the fact that the quantity of the contraband is intermediate, the rigors of section 37 NDPS Act would not be applicable. Further, the petitioner has also been in under trial detention for about 4 months now and the trial is also poised to commence. In the given facts and circumstances, despite the nature of the alleged offence, I am inclined to accept the prayer of the petitioner for bail at this stage.

10. In such view of the matter, the petitioner is allowed to go on bail on furnishing a bail bond of Rs. 50,000/- (Rupees fifty thousand) only with one surety of the like amount to the satisfaction of the learned Special Judge, Barpeta and subject to the conditions that:-

(i) He shall be available for the trial;

(ii) He shall not hamper or tamper with evidence;

(iii) He shall not try to influence the witnesses;

(iv) He shall not commit any illegal activities, including activities prohibited under the NDPS Act.

11. Violation of any of the bail conditions would entail cancellation of the bail.

12. Bail petition stands allowed and disposed of.

JUDGE

Comparing Assistant