GAHC010218322026

2026:GAU-AS:15545

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

Case No. : Bail Appln./3091/2026

MIZANUR RAHMAN ALIAS MIRJAN RAHMAN,
SON OF HABEL UDDIN, RESIDENT OF HOWLY, WARD NO. 03, SHANTI BAZAR, P.O. P.S. HOWLY, 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,MR H A AHMED
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 13.10.2026

Heard Mr. R. Ali, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, appearing for the State.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the accused person/applicant, namely, **Mizanur Rahman @ Mirjan Rahman** in connection with Special (NDPS) Case No. 71/2026 (A/o Howly P.S. Case No. 109/2026), U/S-21(b)/25 NDPS Act, 1985, in which the petitioner had been taken into custody on 08.07.2026.

3. The learned counsel for the petitioner has submitted that it could be apparent from the FIR that the procedure for making the arrest of the petitioner had started as early as about 2.40 am on 08.07.2026 and after completion of all formalities, the police party had left the place of occurrence along with the apprehended petitioner at about 4.30 am on 08.07.2026. He has thereafter referred to the forwarding report, where the learned Remand Magistrate has recorded the time of production to be at around 2.30 pm on 09.07.2026. Therefore, the learned counsel for the petitioner submits that the petitioner has been produced far beyond the 24 hour window provided in law for effectuating production of arrested persons. He has accordingly prayed for grant of bail to the petitioner herein in connection with the aforesaid case. He has further submitted that the recovery from the petitioner is of an intermediate quantity and, therefore, the rigours of Section 37 of the NDPS Act would not apply.

4. The learned Addl. Public Prosecutor has resisted the prayer for bail, by submitting that the petitioner has been charge-sheeted in the matter and there is every probability that the petitioner would be found to be guilty of the offences alleged.

5. I have heard the learned counsel appearing for the contesting parties.

6. Having regard to the fact that an intermediate quantity of heroin had been recovered and further, as a matter of record, the petitioner had been kept under detention of the arresting authority without production before the Remand Magistrate for a period of more than 24 hours, I am of the considered opinion that continued detention of the petitioner may require interference.

7. Accordingly, it is provided that the petitioner shall be released on bail on furnishing a bond of Rs. 15,000/- with two sureties of the like amount to the satisfaction of the learned Trial Court, who shall also be at liberty to impose such other conditions as may be deemed necessary to ensure the continued

participation of the petitioner in the investigation of this case.

8. The bail application is disposed of.

JUDGE

Comparing Assistant