GAHC010223852026

2026:GAU-AS:14994

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

Case No. : Bail Appln./3184/2026

MD MUSIDUL ISLAM ALIAS MUSAHIDUL ISLAM,
SON OF MD ABDUL MOTLEB, RESIDENT OF VILLAGE GUDAMGHATMI,
P.O. AND P.S. CHARIDUAR, DISTRICT SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. D K BAIDYA, P MAZUMDAR
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 07.10.2026

1. Heard Mr. D. K. Baidya, learned counsel for the petitioner. Also heard Ms. B. Bhuyan, learned Senior Counsel assisted by Ms. R. Saloi, learned counsel appearing for the State of Assam.

2. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, whereby the petitioner, Md Musidul Islam @ Musahidul Islam has prayed for releasing him on bail as he is in custody in connection with Special (NDPS) Case No.62/2025 arising out of Chariduar P. S. Case No.88/2025 (G.R. Case

No.836/2025), pending in the Court of the learned Special Judge, Sonitpur, Tezpur, under Section 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The petitioner was facing trial before the Court below. At the time of examination under Section 313 Cr.PC, the petitioner did not appear and filed applications seeking time on multiple occasions. Finally, the Trial Court held that the petitioner was intentionally delaying the trial of the case. Accordingly, NBWA was issued against him. After that, the petitioner himself appeared before the Trial Court and was simply remanded to custody.

4. I have considered the submission made by the learned counsel for both sides.

5. This Court is of the opinion that since the petitioner has been regularly appearing before the Trial Court, he should be given adequate opportunity to defend himself as prayed for.

6. Therefore, his bail application is allowed.

7. The petitioner, Md Musidul Islam @ Musahidul Islam, who is in custody in connection with Special (NDPS) Case No.62/2025 arising out of Chariduar P. S. Case No.88/2025 (G.R. Case No.836/2025), pending in the Court of the learned Special Judge, Sonitpur, Tezpur, under Section 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Special Judge, Sonitpur, Tezpur.

8. The petitioner shall regularly appear before the Trial Court on each and every date of hearing, if he fails to do so, the Trial Court shall have the liberty to procure his

attendance by due process of law.

9. With the aforesaid direction, this bail application stands disposed of.

JUDGE

Comparing Assistant