GAHC010231732026

2026:GAU-AS:16454

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

Case No. : Bail Appln./3329/2026

SHAHIDUL HOQUE
SO NURUZ ZAMAL ALI, RO JHAGRAPAR PT III, NEAR RADIO CENTRE, PS AND DIST DHUBRI, ASSAM, PRESENTLY IN CUSTODY

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : TAWHID LASKAR, MR. D K AGARWALA,ASHRAFUL BORBHUYAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 10.11.2026

Heard Mr. T. Laskar, learned counsel for the accused applicant. Also heard Mr. K. K. Parashar, learned Additional Public Prosecutor appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the accused applicant namely **Shahidul Hoque**, in

connection with Dhubri P.S. Case No.336/2026 (G.R. Case No.1023/2026) registered under Sections 61(2)/123/3(5) of the BNS, 2023 read with Sections 22(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegations made in the FIR dated 23.08.2026 lodged by one SI(P), Madhab Deuri of Bazar TOP, before the Officer-In-Charge of Dhubri Police Station stating that on source information received at about 12.05 p.m. the police put up a naka checking at New Ghat Madrasa More, Ward No.12 that at about 1:30 p.m a greeen-coloured Hero Pleasure (scooty) bearing Registration No. AS-17M-0427 was intercepted along with its rider namly, Rofiqul Islam and on search police recovered 40 bottles of KOFFTRIP cough syrup (100 ml each, described as containing Triprolidine Hydrochloride and Codeine Phosphate). On further enquiry the accused person namely, Rofiqul Islam had taken the police to one pharmacy, namely, IRSHAD MEDICAL, Jhagrapar Pt-III at around 2.50 p.m. The police with due authority, searched the aforesaid pharmacy and recovered various narcotic substances from the aforesaid pharmacy which were kept without any proper document.

4. On receipt of the FIR, the police registered the Dhubri P.S. Case No.336/2026 under the aforementioned sections.

5. The learned counsel appearing for the accused/applicant submits that the accused/applicant was arrested on 23.08.2026 at about 2:50 p.m however, he was produced before the leanred Chief Judicial Magistrate, Dhubri only on 4:15 p.m on 24.08.2026, therefore, there is a violation of Article 22 as well as Section 58 of BNSS, 2023. Accordingly, he submits that in view of the aforesaid, the accused/applicant should be granted bail.

6. The TCR in the instant case has been received and the same is perused.

7. Mr. K. K. Parashar, learned Additional Public Prosecutor appearing for the State, on the other hand, opposes the prayer for bail stating that the accused applicant was produced before the learned Chief Judicial Magistrate, Dhubri within time.

8. This Court has gone through the materials available on record. It is seen from the record that the police team arrived at around 2:50 p.m in the Pharmacy namely, IRSHAD MEDICAL, Jhagrapar Pt-III. Thereafter, since there were lots of people gathered already there, the police prepared the search Memo as well as issue the written authorization under Section 41 (2) of the NDPS Act, 1989 authorising the informant to conduct the necessary search and seizure proceedings. It is seen that the seizure was made at 4:35 p.m only. Though there is no specific time has been mentioned in the FIR as well as other materials brought on record as far as the detention of the accused applicant in the instant case, from the available materials it can be inferred that the accused applicant was detained definitely after 2:50 p.m and not before that. It is also seen that the police took some time to prepare the written authorisation under Section 41 (2) of the NDPS Act, 1989 as as well as conduct of the search operation.

9. From the aforesaid materials, this Court is of the view that the accused applicant may have been arrested, taking a reasonable time for search and seizure in an around 4:00 p.m. Therefore, there may have been few minutes of delay in the instant case in production of the accused applicant. However, taking into account the fact of the travelling time, this Court is of the considered view that the accused applicant has been produced before the learned Chief Judicial

Magistrate, Dhubri within time of 24 hours.

10. In view of the aforesaid, this Court does not find any merit in the instant bail application. Accordingly, the prayer for bail stands rejected.

11. In terms of the above, the instant bail application is dismissed.

JUDGE

Comparing Assistant