GAHC010234042026

2026:GAU-AS:16459

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

Case No. : AB/2691/2026

TRITHRAJ HANDIQUE
SON OF BIREN HANDIQUE, VILLAGE NO 2 JAMUGURI, POST OFFICE, DIGHALAHOLIDARI POLICE STATION DHAKUAKHANA DISTRICT LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR.

Advocate for the Petitioner : MR A KHANIKAR, R L CHUTIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 10.11.2026

Heard Mr. A. Khanikar, learned counsel appearing on behalf of the accused-applicant. Also heard Mr. K.K. Parashar, learned Addl. PP, representing the State respondent.

2. This is an application, under Section 482 of BNSS, 2023, seeking pre-arrest

bail by the accused-applicant in connection with Dhakuakhana P.S. Case No. 75/2026, registered under Sections 21(b)/27(a)/27A/29 of the NDPS Act.

3. An FIR was lodged on 05.10.2026, against one Jugen Chetia, who has been apprehended by the police and from him, 07.56 grams of suspected brown sugar was recovered. During his interrogation, he stated that he was about to sell the seized quantity to 10 persons, including the accused-applicant in the instant case.

4. On receipt of the FIR, the police registered Dhakuakhana P.S. Case No. 75/2026, under the aforementioned sections.

5. The learned counsel for the accused-applicant submits that the accused-applicant is neither a peddler nor a seller in the instant case and, in fact, he is a victim of circumstances and on and off, he used to consume the substance. The learned counsel submits that nothing has been recovered from the accused-applicant and therefore, he should be granted pre-arrest bail.

6. Case Diary in the instant case has been received and the same is perused.

7. The learned Addl. PP, on the other hand, opposes the prayer of bail of the accused-applicant.

8. Taking into account the fact that the accused-applicant is only a victim and the seized quantity received from the main accused, the peddler, is of small quantity, this Court is of the considered opinion that the accused-applicant should be granted pre-arrest bail at this stage. Accordingly, it is directed that in the event of arrest of the accused-applicant by the investigating authority in connection with the instant case, he shall be released on pre-arrest bail on furnishing a bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with a surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

(1) That the accused-applicant shall appear before the Investigating officer within ten (10) of passing of the order and fully co-operate in the investigation of the case.

(2) The accused-applicant shall neither hamper the investigation nor tamper with any evidence nor influence any witnesses connected with the case.

9. In view of the aforesaid directions, the instant anticipatory bail application is disposed of as allowed.

10. Case Diary be returned.

JUDGE

Miriam Degu
(SPA)