GAHC010235342026

2026:GAU-AS:16695

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

Case No. : AB/2714/2026

BAHAR UDDIN
S/O AYNUL HOQUE, RESIDENT OF BASHIRGRAM, P O MARJATKANDI, P S BADARPUR, DISTRICT SRIBHUMI, ASSAM, PIN 788701

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR ASSAM

Advocate for the Petitioner : MR D CHUTIA, MR S CHAUHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

13-11-2026

Heard Mr. D. Chutia, learned counsel for the petitioner and Ms. S. H. Borah, learned Additional Public Prosecutor, Assam.

2. This is an application under Section 482 BNSS, 2023 praying for grant of pre-arrest bail to the accused/petitioner, namely, **Bahar Uddin** who is apprehending arrest in connection with **Special Case (NDPS) No.77/2023** pending before the Court of learned Sessions Judge, Sribhumi arising out of Badarpur P.S. Case No.171/2023 registered under Section 22(C)/29 of NDPS

Act.

3. Scanned copy of the TCR has been received and perused the same.

4. It is submitted by Mr. Chutia, learned counsel that the present petitioner is innocent and he is not at all involved in the alleged offence. Nothing has been recovered from the possession of the petitioner. But a bailable warrant has already been issued against him, for which the present petition has been filed seeking pre-arrest bail.

5. He further submitted that the petitioner was not aware about the pendency of this case, as police never searched for him and only after filing of the charge sheet, he came to know about the pendency of the case. He is a permanent resident of the addressed locality and will regularly appear before the Court, if he is granted with some interim protection.

6. Ms. Borah, learned APP raised objection and submitted that this is a case of commercial quantity, wherein 432 numbers of Yaba Tablets with Methamphetamine was recovered from the possession of the co-accused Mazibur Rahman and the present petitioner managed to flee away from the place of interception. She further submitted that the tablets were brought and it was supposed to deliver to the present accused, but somehow, he managed to escape and he could not be apprehended by police.

7. She further submitted that during the entire investigation of the case, the petitioner could not be arrested inspite of best effort of the police personnel and for which he was shown as an absconder in the charge sheet. She further submitted that as the case is of commercial quantity, the rigor of Section 37 will also follow and there is no ground to belief that the accused is innocent or he will not commit such kind of offence, if he is granted with the privilege of pre

arrest bail.

8. Heard the submissions made by the learned counsel for the parties and I have also perused the case record and the TCR. It reveals that the petitioner managed to flee away from the place of occurrence at the time of apprehending the other co-accused from where, the Yaba tablets were recovered. However, considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that some interim protection may be provided to the petitioner.

9. Accordingly, the petitioner, namely, namely, **Bahar Uddin** is hereby directed to appear before the Court of learned Sessions Judge, Sribhumi within a period of 15 (fifteen) days from the date of order and shall file an application seeking bail, which may be considered in accordance with law.

10. Further, it is directed that till next 15 (fifteen) days, no coercive action shall be taken against the petitioner.

11. With the above observation and direction, this pre-arrest bail application stands disposed of.

JUDGE

Comparing Assistant