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

Case No. : Bail Appln./3414/2026

DIBYA JYOTI DOWARI ALIAS DIBYAJYOTI DUWORI
SON OF JUGOL DOWARI, RESIDENT OF JAMUGURI, POLICE STATION DHAKUAKHANA, DISTRICT LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M AHMED, MR A HAI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : ***05.11.2026***

Heard Mr. M. Ahmed, learned counsel for the accused applicant. Also heard Mr. K. K. Das, learned Addl. Public Prosecutor for the State of Assam.

2. This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying for granting bail to the accused applicant, in connection with Dhakuakhana P.S. Case No. 75/2026, registered under Sections 21(b)/27(a)/27A/29 of NDPS, Act.

3. An FIR was lodged before the Officer-in-Charge of Dhakuakhana Police Station on 05.10.2026 by Inspector Priyabrat Gogoi of Dhakuakhana Police Station, alleging, *inter alia*, that the police had received information regarding the transportation of certain narcotic substances at Etakhuli Gaon. Acting upon the said information, the police proceeded to Etakhuli Gaon, where they found the accused person, namely, Jogen Chetia, roaming on the road near his house; that the accused person was apprehended by the police and, upon questioning, divulged that he was carrying six plastic vials containing brown sugar, which he intended to sell to a known customer, namely, Anupam Gogoi. Upon conducting a search, the police recovered six plastic vials containing suspected brown sugar, weighing 7.56 grams, including the weight of the plastic vials. During interrogation, the accused divulged that he had been involved in the business of narcotic substances for the last two to three years. He further divulged that Anupam Gogoi was a regular customer and that he, along with one Dibyajyoti Duwari (accused-applicant), had travelled to Laluk in a Swift vehicle and purchased the suspected narcotic substance from a drug peddler for a sum of

Rs. 15,000/-. He, however, stated that he did not know the identity of the said drug peddler. However, the narcotic substance was brought by Dibyajyoti Duwari from the said peddler.

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

5. Learned counsel for the accused applicant submits that the accused applicant has been arrested solely on the basis of the disclosure statement made by the co-accused, namely, Jogen Chetia. He submits that the accused applicant is no way involved in the offence as alleged in the FIR and the statement of the co-accused cannot be treated as evidence to justify the continued detention of the accused applicant in judicial custody. Therefore, he submits that the accused applicant should be granted bail at this stage.

6. Mr. Das, learned Additional Public Prosecutor, opposes the prayer for bail, contending that, since the case involves an offence under Section 27A of the NDPS Act, the rigours of Section 37 of the said Act is applicable in the instant case. In view of the aforesaid submissions, he opposes the prayer for bail.

7. The Case Diary has been received and the same is perused.

8. Upon perusal of the Case Diary, it appears that several financial transactions had taken place between the accused applicant and the co-accused, namely, Jogen Chetia, as reflected in the bank statement of Jogen Chetia. The said transactions were made around the relevant period when the arrest was effected. Therefore, having found *prima facie* financial transactions between the accused applicant and the co-accused, as well as the alleged

involvement of the accused applicant in drug peddling, this Court is not inclined to grant any relief to the accused applicant at this stage.

9. Accordingly, the prayer for bail stands rejected and the instant bail application is dismissed.

10. Case Diary be returned.

JUDGE

Comparing Assistant