

GAHC010237762025



2026:GAU-AS:277

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

Case No. : Bail Appln./3500/2025

MD SAKENDAR ALI
S/O- LATE ABDUL HAI
RESIDENT OF BIDYAPARA
PART-I,P.S. DHUBRI, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M AHMED, MD I H LASKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date :08.01.2026

Heard Md. I. H. Laskar, learned counsel appearing for the accused petitioner as well as Mr. B. Sharma, learned Additional Public Prosecutor, Assam.

2. This is an application under Section 483 BNSS, the accused-petitioner, namely, **Md. Sakender Ali**, who was arrested on 03.09.2025 in connection with **Dhubri P.S. Case No. 320/2025** under Section 22(C) of NDPS Act, 1985

is seeking bail.

3. That the factual backdrop of the case of the petitioner is that on 14.07.2025, the informant namely, Utpal Ray, Sub-Inspector of Police, Dhubri Police Station, has lodged a written F.I.R. before the Officer-In-Charge of the Dhubri Police Station, alleging inter alia the recovery of suspected narcotic substances (as stated in the said F.I.R.). The said recovery was from the exclusive possession of one Minal Hoque, son of Moksed Ali. On receipt of the said F.I.R. dated 14.07.2025, the OC of Dhubri Police Station registered the same as Dhubri Police Station Case No. 320/2025 under sections 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. In the meantime the investigation has been completed and charge-sheet has also been submitted.

5. The learned trial court has framed charges against the accused persons including the petitioner after rejecting a discharge application by an order dated 29.11.2025. In the said order it has been observed by the learned trial Court that after going through the case record, particularly the statement of the accused Minal Hoque, it appears that there are sufficient implications as far as the involvement of the accused Sakender Ali is concerned.

6. From the above, it appears that the learned trial Court has relied upon the statement of the co-accused implicating the present petitioner while framing charges against the present accused.

7. TCR as called for has been received and other than the aforesaid statement of the co-accused no other material could be pointed out by the learned Addl. P. P.

8. It is settled law that the statement of the co-accused cannot be taken into consideration for the purpose of consideration of bail.
9. Having regard to the above and without observing anything as to the quality of the evidence on record, the prayer for bail is **allowed**, keeping in view the provisions of Section 37 NDPS Act.
10. It may be stated that since no other material except the statement of the co-accused implicating the present petitioner could be pointed out, the Court is inclined to take the prima facie view that the petitioner may not be guilty of the offence involving possessions/ transportation of commercial quantity of prohibited drugs and that he is likely to commit similar offences if granted the liberty of bail.
11. Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.1,00,000/- (Rupees One Lakh)** with two local sureties of like amount to the satisfaction of **learned trial Court**.
12. It is further provided that the petitioner shall regularly participate in the trial and shall not to intimidate or influences the witnesses in any manner.
13. The bail petition is **disposed** of accordingly.
14. Send back the case diary.

JUDGE

Comparing Assistant