GAHC010238132026

2026:GAU-AS:16230

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

Case No. : Bail Appln./3451/2026

MAZARUL ISLAM LASKAR AND ANR
S/O- MOZIBUR RAHMAN LASKAR,

2: JOHIRUL ISLAM LASKAR
S/O LATE NAZIMUDDIN LASKAR
BOTH ARE R/O- VILL- DINANATHPUR PT II
P.O- DINANATHPUR
P.S- KATHLICHERRA
DIST.HAILAKANDI
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
THROUGH PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. R A CHOUDHURY,MS S DAS,MR F U BARBHUIYA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 04.11.2026

Heard Mr. H.R.A. Choudhury, learned Senior Counsel, assisted by Mr. R.A. Choudhury, learned counsel for the accused. Also heard Mr. R.J. Baruah, learned

Additional Public Prosecutor for the State respondent.

2. This petition, under Section 483, BNSS is preferred by two accused, namely, Mazarul Islam Laskar and Johirul Islam Laskar, who have been languishing in jail hazot in connection with Hajo P.S. Case No. 487/2026, under Sections 18(c)/25/29 of the NDPS Act, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by SI Apurba Kalita of Hajo P.S. on 27.09.2026. The essence of allegation in the FIR dated 27.09.2026, is that based on an input, Kalyan Kumar Pathak, APS, Addl. SP (HQ), Kamrup/STF and his team intercepted one truck at Amingaon and recovered 2.675 kgs of opium (without cover) hidden inside the black coloured tarpaulin on the hood of the truck, and apprehended two persons, namely, Md. Mazarul Islam Laskar and Jahirul Islam Laskar, the driver and handyman of the vehicle, respectively.

4. Mr. Choudhury, learned Senior Counsel for the accused submits that the contraband substance, allegedly recovered from the possession of the accused persons, is not of commercial quantity, but of intermediate quantity, and 2.675 kgs of the substance is with the plastic cover. Mr. Choudhury also submits that the accused persons have been languishing in jail hazot for last 37 days and the offences are 60 days offence, and under such circumstances, he has contended to allow this petition.

5. On the other hand, Mr. Baruah, learned Additional Public Prosecutor has vehemently opposed the petition. By producing the case diary before this Court, he submits that the contraband substances, so recovered from the accused persons, are of 2.675 kgs, and that he has also obtained instructions from the I.O. concerned, pursuant to the direction of this Court, and as per his

instructions, the weight is without the plastic cover. Mr. Baruah also submits that since it is of commercial quantity, the accused persons have to satisfy the twin requirements of Section 37 of the NDPS Act, and therefore, Mr. Baruah has contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, this Court has carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional Public Prosecutor.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the accused persons. The contraband substances, allegedly recovered from the accused persons, are of 2.675 kgs and it is pointed out by Mr. Baruah, learned Additional Public Prosecutor that 2.5 kgs is of commercial quantity, and as 2.675 kgs of contraband substances have been allegedly recovered from the possession of the accused persons, the same are of commercial quantity and as such, they have to satisfy the twin requirements of Section 37 of the NDPS Act.

8. However, from the submission of Mr. Choudhury, learned Senior Counsel for the accused, and also the documents placed on record, this Court is unable to derive satisfaction about satisfying the twin requirements of Section 37 of the NDPS Act by the accused persons.

9. Further, investigation is still going on and enlarging the accused persons on bail will cause serious prejudice to the investigating agency. And under such circumstances, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused persons. And accordingly, this bail application stands dismissed.

10. Case diary be returned.

JUDGE

Comparing Assistant