GAHC010241382026

2026:GAU-AS:16056

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

Case No. : Bail Appln./3482/2026

SRI DAMUDAR DAS
,SON OF LATE PURNA KANTA DAS, VILLAGE KONWARHATIA GAON, P.S. DHAKUAKHANA, DISTRICT LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

03.11.2026

Heard Mr. A. Khanikar, learned counsel for the accused and Mr. R. J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, 2023, is preferred by the

accused person, namely, **Damudar Das**, who has been languishing in jail hajot since 13.10.2026, in connection with Dhakuakhana P.S. Case No. 77/2026, registered under Sections 20(b)(ii)(B) 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 one FIR lodged by one Priyabrat Gogoi of Dhakuakhana Police Station, on 12.10.2026.

4. The essence of allegation, in the FIR dated 12.10.2026, is that from the possession of the accused herein, 1858 grams of suspected Ganja was recovered and seized by the informant, after conducting search in this house.

5. Mr. Khanikar, learned counsel for the accused submits that the accused is a physically handicapped person and his disability is 50%, as his right hand is amputed below the elbow, and that he is a helper in a Shiv temple, wherein, there was a puja, where people offered Ganja for puja. Mr. Khandakar also submits that the accused is behind the bars for more than 21 days. He also submits that since the quantity of Ganja allegedly recovered from his possession is just above small quantity and since he is a physically handicapped person and his further custodial detention may not be warranted in the interest of investigation and therefore, he has contended to allow this petition.

6. Per contra, Mr. Barua, learned APP, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused. He also submits that though the I.O. has examined some of the witnesses, yet the FSL report has not yet been received and therefore, he has contended to dismiss this petition.

7. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also gone through case diary with the assistance of Mr. Barua, learned APP.

8. It appears that the contraband substances, allegedly recovered from the possession of the accused is 1858 grams and further, it appears that he has been languishing in jail hajot since 13.10.2026.

9. Further, it appears that he is a physically handicapped person and it further appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case.

10. Accordingly, taking note of the aforesaid facts and circumstances, this Court is of the view that further custodial detention of the accused may not be warranted in the interest of investigation. And accordingly, this Court is inclined to allow this petition.

11. It is provided that on furnishing a bond of Rs. 20,000/-, with one surety each of the like amount, to the satisfaction of the learned Special Judge, Lakhimpur, North Lakhimpur, the accused shall be enlarged on bail.

12. In terms of the above, this Bail Application stands disposed of.

13. Case diary be returned.

JUDGE

Comparing Assistant