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

Case No. : AB/2808/2026

SMTI. PRONAMI DUTTA
WIFE OF SRI SANKAR JYOTI SAIKIA, AGED ABOUT 25 YEARS, RESIDENT OF MEJENGA, P.S. - TITABAR, DISTRICT - JORHAT, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P J DAS,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.11.2026

Heard Mr. P. J. Das, learned counsel for the applicant and Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 482 of the BNSS, 2023, is preferred by the applicant, namely, **Pronami Dutta**, who has been apprehending her arrest in

connection with Titabar P.S. Case No. 128/2026, corresponding to G.R. Case No. 327/2026, registered under Sections 21(a)/25/27A/29 of the NDPS Act, 1985, pending before the Court of the learned SDJM, Titabar, Assam, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Mithun Taye, SI of Police, Titabar Police Station, on 14.10.2026.

4. The essence of allegation against the present accused in the FIR dated 14.10.2026, is that he has apprehended one Sankar Jyoti Saikia, near Tipomia bridge, at about 3:45 PM, while he was riding a KTM motorcycle bearing Registration No. AS 03 AL 7597. And after conducting search, he found 2 Nos. of containers, one blue and one yellow, containing 1.19 gram of suspected Heroin, 8 Nos. of emply Tobacco containers, One purple coloured lighter and Rupees 900 in cash.

5. Mr. Das, learned counsel for the applicant submits that the applicant is innocent and no-way involved with the offence alleged in the FIR, and that she is the wife of the main accused, namely, Sankar Jyoti Saikia, from whose possession, the contraband substances have been recovered. But, the applicant herein was summoned by the I.O. and she apprehends her arrest and therefore, she has approached this Court by filing the present application. He also submits that the applicant is ready to cooperate with the investigating agency and abide by any condition imposed by this Court and under such circumstances, he has contended to allow this application.

6. Per contra, Mr. Baruah, learned APP, has vehemently opposed the petition. By producing the case diary before this Court, he submits that this application is not maintainable, in as much as how the applicant is apprehending her arrest, has not been projected in the application. And he also submits that the case is registered under Section 27A of the NDPS Act, and Section 37 of the NDPS Act has to be satisfied with, which the applicant has failed to do so and therefore, he has contended to dismiss this application.

7. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of the learned Additional Public Prosecutor.

8. Indisputedly, nothing has been recovered from the possession of the present applicant and the rigors of Section 37 of the NDPS Act, appears to be not applicable in her case. Further, in view of the materials collected so far in the case diary and the progress of the investigation, qua the present applicant, her custodial interrogation of seems to be unwarranted herein this case. And therefore, this Court is inclined to allow this application.

9. It is provided that in the event of arrest of the applicant in connection with Titabar P.S. Case No. 128/2026, corresponding to G.R. Case No. 327/2026, registered under Sections 21(a)/25/27A/29 of the NDPS Act, 1985, pending before the Court of the learned SDJM, Titabar, Assam; she shall be released on pre-arrest bail, on his executing a bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the arresting authority.

10. The above privilege is however, subject to the following conditions –

(i) that the applicant shall make herself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) That the applicant shall not leave the jurisdiction of the **learned Special Judge (NDPS), Jorhat**, without prior permission.

11. The case diary be returned.

JUDGE

Comparing Assistant