GAHC010244702026

2026:GAU-AS:17417

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

Case No. : Bail Appln./3570/2026

AKHIL KALITA
SON OF LATE JOGENDRA KALITA, RESIDENT OF VILLAGE TAPA SUTARUKUCHI, P.S. MUKALMUA, DISTRICT NALBARI, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G DEKA, MR R CHETRY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 25-11-2026

1. Heard Mr. P. K. Roychoudhury, the learned Senior Counsel assisted by Mr. G. Deka, the learned counsel appearing for the accused-applicant. Also heard Mr. K. K. Parasar, the learned Additional Public Prosecutor for the State.

2. This is an application under Section 483 of the Bharatiya Nagarik

Suraksha Sanhita (BNSS), 2023, praying for granting bail to the accused-applicant in connection with Mukalmua P.S. Case No. 182/2026 registered under Section 20(b)(ii)(B) of the NDPS Act, 1985.

3. The gist of the case is that on 17.10.2026, the police received certain secret information that the accused-applicant is involved in selling of ganja. Accordingly, the police went to his residence and recovered 6.5 kg of ganja from his residence. On the basis of the FIR, the police registered Mukalmua P.S. Case No. 182/2026 under the aforementioned section.

4. The learned Senior Counsel submits that the accused-applicant is not involved into selling and peddling with ganja. However, since there was a puja, the said quantity may have been kept in his residence for the purpose of using the same in the puja. It is also submitted that during the search and seizure, the accused-applicant was not present at his residence and he was busy in his temporary stall at Bagheswari Puja ground. He further submits that since the quantity seized is of intermediate quantity, a little bit more than the small quantity, and he is behind bars for the last 38 days, the accused-applicant should be granted bail at this stage.

5. Mr. K. K. Parasar, learned Additional Public Prosecutor, on the other hand, opposes the prayer of bail stating that he is involved into selling of ganja illegally.

6. The Case Diary in the instant case has been received and the same is perused.

7. Taking into account the entire facts of the case as well as the quantity of seizure, and also taking note of the fact that the accused-applicant is behind bars for the last 38 days, this Court is of the considered opinion that the

accused-applicant should be granted bail at this stage.

8. Accordingly, it is directed that the accused-applicant shall be released on bail on furnishing a bail bond of Rs. 30,000/- with a surety of like nature to the satisfaction of the learned Chief Judicial Magistrate, Nalbari, subject to the condition that the accused-applicant shall cooperate with the investigation and make himself available as and when called for by the Investigating Authority.

9. In terms of the aforesaid direction, the instant bail application is disposed of.

JUDGE

Comparing Assistant