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

Case No. : Bail Appln./3661/2026

BISHNURAM DAS
SON OF LATE BALARAM DAS, RESIDENT OF VILLAGE- TENGABARI,
POLICE STATION- SILAPATHAR, DISTRICT- DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
, REPRESENTED BY THE PUBLIC PROSECUTOR, STATE OF ASSAM.

Advocate for the Petitioner : MR. P HAZARIKA, MR. H S BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

13.11.2026

1. Heard Mr. P. Hazarika, the learned counsel for the petitioner. Also heard Mr. R. J. Baruah, the learned Additional Public Prosecutor for the State respondent.

2. This application under Section 483 of the BNSS, 2023 has been filed by the petitioner, namely, Bishnuram Das, praying for bail in connection with Special NDPS Case No. 25/2026 corresponding to Silapathar P.S. Case No. 209/2026 under Sections 20(b)(ii)(B) of the NDPS

Act, 1985. The aforesaid case is pending before the Court of learned Special Judge, Dhemaji.

3. The gist of accusation in this case is that on the accusation of possessing 4.189 kgs of suspected ganja from the possession of the present petitioner, an FIR was lodged against him and after completion of the investigation, charge-sheet has been laid against the present petitioner.

4. Mr. P. Hazarika, the learned counsel for the petitioner submits that the petitioner has been detained behind the bars for the last 65 days, and there is no reason for his further detention as the investigation has been already completed and charge-sheet has already been laid and there is no apprehension that he will evade the course of justice.

5. He further submits that though there is no embargo of Section 37 of the NDPS Act, 1985 in granting bail to the present petitioner, however, the Trial Court on 16.10.2026 rejected the prayer for bail merely on the ground that the seized contraband is of intermediate quantity.

6. The learned counsel for the petitioner has cited a ruling of the Apex Court in the case of ***"Sami Ullaha Vs. Superintendent, Narcotic Central Bureau"*** (Judgment dated 07.11.2008 in Criminal Appeal No. 1748/2008).

7. On the other hand, the learned Additional Public Prosecutor has opposed the prayer for grant of bail on the ground that the offence involved in this case is under the NDPS Act, 1985 and the charges are yet to be framed against the petitioner.

8. He submits that there are sufficient incriminating materials against the petitioner regarding recovery of the contraband from his possession.

9. I have considered the submissions made by the learned counsel for both sides and have gone through the materials available on record.

10. It is apparent from the record that the charge-sheet has been laid against the present petitioner under Section 20(b)(ii)(B) of the NDPS Act, 1985. Hence, the embargo of Section 37 of the NDPS Act, 1985 is not applicable to this case. Moreover, there is no material to come to a finding that the petitioner would not face the trial and he would not cooperate in the trial.

11. Hence, this Court is of considered opinion that if the petitioner co-operates in trial, there may not be any justification for his continued detention behind the bars for the sake of fair completion of the trial. As such, the above-named petitioner is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand) only with one surety of like amount subject to the satisfaction of the learned Special Judge, Dhemaji with the following conditions:-

i. The petitioner shall co-operate in the investigation,

ii. The petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to other person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

12. With the above observations, this bail application is disposed of.

JUDGE

Comparing Assistant