GAHC010261382026

2026:GAU-AS:17414

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

Case No. : Bail Appln./3875/2026

DIBYA JYOTI DOWARI ALIAS DIBYAJYOTI DUWARI
S/O JUGOL DOWARI, VILLAGE JAMUGURI, P.S. DHAKUAKHANA,
DISTRICT LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 25.11.2026

Heard Mr. A. Khanikar, learned counsel appearing on behalf of the accused-applicant. Also heard Mr. R.J. Baruah, learned Addl. P.P., representing the State respondent.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for

granting bail to the accused-applicant in connection with Dhakuakhana Police Station Case No. 75/2026, registered under Sections 21(b)/27(a)/27A/29 of the NDPS Act.

3. An FIR was lodged before the Officer-in-Charge of Dhakuakhana Police Station on 05.10.2026 by Inspector Priyabrat Gogoi of Dhakuakhana Police Station, alleging, inter alia, that the police had received information regarding the transportation of certain narcotic substances at Etakhuli Gaon. Acting upon the said information, the police proceeded to Etakhuli Gaon, where they found the accused person, namely, Jogen Chetia, roaming on the road near his house; that the accused person was apprehended by the police and, upon questioning, divulged that he was carrying six plastic vials containing brown sugar, which he intended to sell to a known customer, namely, Anupam Gogoi. Upon conducting a search, the police recovered six plastic vials containing suspected brown sugar, weighing 7.56 grams, including the weight of the plastic vials. During interrogation, the accused divulged that he had been involved in the business of narcotic substances for the last two to three years. He further divulged that Anupam Gogoi was a regular customer and that he, along with one Dibyajyoti Duwari (accused-applicant), had travelled to Laluk in a Swift vehicle and purchased the suspected narcotic substance from a drug peddler for a sum of Rs. 15,000/-. He, however, stated that he did not know the identity of the said drug peddler. However, the narcotic substance was brought by Dibyajyoti Duwari from the said peddler.

4. On the basis of the FIR, police registered Dhakuakhana P.S. Case No. 75/2026, under the aforesaid sections.

5. Learned counsel for the accused-applicant submits that the accused-applicant has been arrested solely on the basis of the disclosure statement made by the co-accused, namely, Jogen Chetia. He submits that the accused-applicant is a

Government servant and he is a consumer of narcotics. However, he is not involved in peddling or selling of the narcotics. He further submits that the co-accused in the instant case has been granted bail by this court. He submits that since the present accused-applicant is behind bars since 48 days, taking into account the length of detention, the accused-applicant should be granted bail at this stage.

6. The learned Addl. PP, on the other hand, opposes the prayer for bail, contending that, since the case involves an offence under Section 27A of the NDPS Act, the rigours of Section 37 of the said Act is applicable in the instant case. In view of the aforesaid submissions, he opposes the prayer for bail.

7. This Court has seen the earlier bail prayer of the accused-applicant, rejected on 05.11.2026 in Bail Appln. No. 3414/2026 on perusal of the Case Diary. However, taking into account the length of detention in the instant case and the accused-applicant seems to be a person addicted to narcotics, this Court is of the considered opinion that the accused-applicant should be released on bail at this stage. Accordingly, it is directed that the accused-applicant be released on bail on furnishing a bail bond of Rs. 50,000/- (Fifty Thousand) with a surety of like amount to the satisfaction of the Special Judge (NDPS), Lakhimpur, subject to the following conditions:

1. *That the accused-applicant shall appear before the I.O., as and when required and cooperate with the investigation;*

2. *That the accused-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 them from disclosing such facts to the police.*

8. In terms of the aforesaid direction, the instant bail application is disposed of as allowed.

JUDGE

Miriam Degu
(SPA)