

GAHC010263572025



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

Case No. : Bail Appln./3869/2025

MD HABIBUR RAHMAN
S/O MD THOMBA, R/O VILL SANGAIYMPHAM, PO WANGJING, PS
THOUBAL, DIST THOUBAL, MANIPUR, PIN 795148

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE STANDING COUNSEL, NCB, GUWAHATI. MINISTRY
OF HOME AFFAIRS, DEPARTMENT OF INTERNAL SECURITY, GOVT OF
INDIA, NEW DELHI

Advocate for the Petitioner : MR. N J DUTTA, B AHMED, MR A BASUMATARY
Advocate for the Respondent : SC, NCB,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 26.03.2026

Heard Mr. N.J. Dutta, learned counsel for the petitioner and Mr. RKD Choudhury, learned Standing Counsel for the NCB.

2. This bail application has been filed by the petitioner namely, **Md. Habibur Rahman** under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking bail in connection with **NDPS Case No. 129/2024 (Corresponding to NCP Crime No. 17/2023)** dated 16.10.2023 under

Sections 8 (c)/ 21(c)/ 29 of the NDPS Act, pending in the court of the learned Addl. District and Sessions Judge No. 2, Kamrup (M), Guwahati.

3. The learned counsel for the petitioner placed before this Court an order passed by the Hon'ble Apex Court in Special Leave Petition (Crl.) No. 533/2026 whereby some co-accused Amir Khan and another were granted bail in view of long incarceration since 17.10.2023 and in absence of likely hood of early conclusion of the trial and 1 out of 12 witness have been examined by the learned trial Court. The present petitioner also stands on the same footing having been arrested on the same date alongwith the aforesaid co-accused persons. Therefore, he is also entitled to be released on bail on the principle of parity.

4. Accordingly, it is directed that the petitioner be released on bail on such terms and conditions as may be decided by the learned trial Court and as may be deemed fit and proper in the facts and circumstances of the case.

5. Communicate a copy of this order to the learned trial Court.

6. In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant