GAHC010071392026

2026:GAU-AS:15681

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

Case No. : AB/753/2026

RAJIB UDDIN
S/O MUNNAS ALI
R/O DHUNIABHETI PATHAR,
P.O. AND P.S. BATADROBA
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. T ISLAM, MS. N.A. BEGUM,MR. S MUNIR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 14-10-2026

1. Heard Mr. Y.S. Mannan, the learned counsel appearing for the accused-applicant. Also heard Mr. M.P. Goswami, the learned Addl. P.P, Assam appearing for the State.

2. This is an application under Section 482 of BNSS, 2023 praying for granting pre-arrest bail to the accused-applicant, namely **Rajib Uddin** in connection with **Dillai P.S. Case No.60/2025** registered under Sections **21(C)/25** of the NDPS Act read with Sections **61(2)/123** of BNS, 2023.

3. An FIR was lodged on 17.11.2025 to the effect that police on receipt of information that a vehicle bearing registration No.AS-12-R-8088 was coming from Dimapur side and towards Dillai with certain suspected contraband materials, police set up a naka checking and at around 10:45 a.m, the vehicle was intercepted by the police. However, the driver fled away from the spot taking advantage of the nearby forests. Upon thorough search of the vehicle, 32 nos. of identical soap boxes containing brown colour powdery substances suspected to be heroin were recovered concealed inside the floor panel of both front doors behind the foot rests. Police seized the contraband materials and seized the vehicle. Police also found one certificate of registration of vehicle bearing registration No.AS-12-R-8088 and one original sale deed of Nagaon Motors dated 06.11.2025 of the vehicle Maruti Vitara Brezza bearing registration No.AS-12-R-8088.

4. On the basis of the FIR, the police registered Dillai P.S. Case No.60/2025 under the aforementioned sections.

5. The learned counsel appearing for the accused-applicant submits that the accused-applicant is the owner of the vehicle which he has purchased from Nagaon Motors on 06.11.2025. However, he was neither driving the said vehicle at the time of the incident nor when the illegal narcotics substance were seized.

He submits that the accused-applicant was physically disabled to drive a vehicle due to an accident and the same can be seen from the medical reports annexed with the instant bail application. He further submits that the applicant had given the vehicle to one Rafique, a neighbour, to drive the vehicle on rental basis and the vehicle was under the custody and control of the aforesaid Rafique and not with the accused-applicant. In view of the aforesaid, he submits that the accused-applicant should be granted pre-arrest bail at this stage. He further submits that the accused-applicant is willing to cooperate with the investigation and appear before the Investigating Authority within a specified time period.

6. The learned Addl. P.P, on the other hand, opposes the prayer for pre-arrest bail of the accused-applicant, stating that huge quantity of contraband materials have been seized from the vehicle owned by the accused-applicant. He further submits that there is no document to show that the vehicle was, in fact, given on rent to somebody else.

7. This Court has considered the materials available in the case diary as well as heard the submissions made by the counsels appearing for the respective parties.

8. Taking into account the entire facts of the case that the FIR was lodged on 17.11.2025 and the investigation has not progressed at all, since the accused-applicant is willing to appear before the investigating authority, this Court is of the considered view that the investigation shall progress once the accused-applicant appears before the investigating authority. Therefore, this Court is of the considered opinion that the accused-applicant should be granted

pre-arrest bail taking into account the fact that no contraband materials have been recovered from the conscious possession of the accused-applicant as well as no materials to suggest his involvement except that the vehicle is owned by the accused-applicant.

9. Accordingly, it is directed that in the event of arrest of the accused-applicant by the Investigating Officer in connection with Dillai P.S. Case No.60/2025, he shall be released on pre-arrest bail on furnishing of a bail bond of Rs.1,00,000/- (Rupees One Lakh) with two sureties of like nature, out of which one should be a government servant, to the satisfaction of the arresting authority, subject to the following conditions:-

i) That the accused-applicant shall appear before the Investigating Officer within a period of 10(ten) days;

ii) That the accused-applicant shall cooperate with the investigation and make himself available as and when called for by the Investigating Authority;

iii) That the accused-applicant shall not hamper or tamper with the investigation in any manner; and

iv) That the accused-applicant shall provide his personal details like PAN Card, ADHAAR Card, Driving Licence, Passport, if any, before the concerned Investigating Officer.

10. In the event of any default of any of the bail conditions and non-cooperation of the accused-applicant with the investigation, the Investigating Officer shall be at liberty to approach the competent Court for cancellation of

the bail.

11. In terms of the aforesaid directions, the instant anticipatory bail application is disposed of.

JUDGE

Comparing Assistant