GAHC010142492026

2026:GAU-AS:15154

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

Case No. : Bail Appln./1931/2026

SMT RUNU BORAH
W/O SHRI PADMA BORAHR/O KOTIKUCHIA GOWAL GAON,P.O. P.S. TEOK,DISTRICT JORHAT, ASSAM, PIN 785112

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : DR. S R A NASER, B GAYAN,S MOZUMDER

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08-10-2026

Heard learned counsel Dr. S.R.A. Naser, learned counsel for the petitioner Smt. Runu Borah, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 as she has been behind bars since 02.03.2026 in connection with Special (NDPS) Case No. 32/2026 arising out of Teok Police Station Case No. 18/2026 under Section 20 (b)(ii)(c) of the

NDPS Act.

2. It is submitted on behalf of the petitioner that the petitioner is 58 (Fifty Eight) years old and she was never involved in any drug trafficking. She was making a living by rearing poultry. It is submitted that she has been behind the bars for a considerable period of time and two witnesses have already been examined. Ganja seized in connection with this case cannot be considered to be of commercial quantity as the Ganja was weighed along with roots, leaves and branches and thereafter, the weight came up to 35 kgs. If properly weighed, the Ganja would not remain of commercial quantity anymore. In this aspect, the petitioner deserves bail.

3. It is also submitted that trial is proceeding with leaden feet and the petitioner's right to liberty has been curtailed.

4. *Per contra*, learned Additional Public Prosecutor Mr. P.S. Lahkar has raised serious objection, stating that the age of the petitioner cannot be considered for bail as the instant case relates to a serious offence of trafficking, commercial quantity of Ganja. The embargo under Section 37 of the NDPS Act comes into play. In this case, there is every possibility of conviction as the seizure witness has also deposed against the petitioner. There is every possibility that the petitioner may jump the bail.

5. The petitioner is a flight risk and bail may not be granted to the petitioner.

6. I have considered the submissions at the bar with circumspection.

7. The FIR unfolds that a secret information was received on 02.03.2026 at

about 4.30 PM by the police that the petitioner had stocked Ganja in her house. On receipt of the information, the Investigating Team proceeded towards the petitioner's house and after conducting search operation, Ganja was recovered from her house and this Ganja was weighed and it was found that the total weight of the Ganja was 35.412 kgs. The police embarked upon the investigation and finally, submitted charge sheet against the petitioner.

8. I have also scrutinized the scanned copies of the Trial Court Records and the evidence of PW-1 and PW-2. The merit of the evidence is not required to be delved into, at this stage. Trial is pending and the Trial Court will deal with the evidence. Two witnesses have been examined so far. Six witnesses are enlisted in the charge sheet. Four witnesses are yet to be examined. At this stage, this Court would not form an opinion if conviction is inevitable. At this pace, trial cannot be said to be procrastinated. This Court cannot be oblivious of the embargo under Section 37 of the NDPS Act.

9. Considering the entire aspect of the matter, the Court is hesitant to grant bail to the petitioner at this stage.

10. Petition stands rejected at this stage.

11. However, on further procrastination of trial by the Court or by the prosecution, the petitioner can move subsequent bail application which may be considered by the Court in accordance with law,

12. Bail Application stands rejected at this stage.

JUDGE

Comparing Assistant