GAHC010209342026

2026:GAU-AS:15803

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

Case No. : Bail Appln./2957/2026

ASHIM BISWAS
S/O MANIK BISWAS, R/O NAREA, WARD NO 10, LANKA, P.S. AND P.O. LANKA, DIST. HOJAI, ASSAM, PIN 782446

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR. R A MAZUMDER, M. ROBBANI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 15.10.2026

1. Heard Mr. M. Robbani, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned APP, appearing for the State.

2. This is an application under Section 483 of BNSS, 2023, praying for grant of regular bail to the petitioner, viz. **Ashim Biswas**, who has been arrested on 29/08/2026 in connection with Lanka PS Case No. 192/2026 registered under Sections 21(b)/22(b)/27A/29 of the NDPS Act read with Sections 109/281 of BNS, 2023.

3. The learned counsel for the petitioner has submitted that the petitioner was a fortuitous passenger of the vehicle of the co-accused. The learned counsel has submitted that 16/31 gms. of suspected heroin and two pouches containing 94 Yaba Tablets were recovered from the dickey and dashboard compartment of the vehicle, on which the petitioner was travelling. He has submitted that the quantities recovered are intermediate quantity and the petitioner has already undergone custody since 29/08/2026. He has further submitted that the wife of the petitioner is at an advance stage of pregnancy and the expected date of delivery is 07/11/2026. He has submitted that if the Court allows him the privilege of bail, the petitioner will be ready to face the trial, as and when required.

4. The learned APP has submitted that the petitioner is an apparent peddler of Narcotics and further the allegation is also that when an attempt was made to stop the vehicle, in which the petitioner was travelling, the vehicle was driven in rash and negligent manner, causing injury to the Police personnel. He has submitted that the provisions of Section 109/281 of the BNS have also been invoked. He has submitted that under the given circumstances, the petitioner may not be given bail. The learned APP has also submitted that the recovery has been made from both the accused persons.

5. Having regard to the fact that the petitioner has been in custody since 29/08/2026, charge sheet has been filed, and the fact that the petitioner's wife may require his attention due to the advance stage of pregnancy, I am of the considered opinion that the petitioner can be granted the privilege of bail at this stage. Accordingly, the petitioner shall be released on bail on furnishing bail bond of Rs. 50,000/- with 2 (two) sureties of like amount, one of whom should be a Government servant, to the satisfaction of the learned Special Judge, Hojai, who shall be entitled to impose other conditions, as may be required, to ensure the participation of the petitioner during trial.

6. It is provided that the petitioner shall not leave the jurisdiction of the learned Trial Court without prior written permission of the learned Special Judge, Hojai.

7. Bail application stands disposed of.

JUDGE

Comparing Assistant