GAHC010216572026

2026:GAU-AS:15676

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

Case No. : Bail Appln./3080/2026

ABHIMANYU BASU
S/O PARTHA KUMAR BASU, R/O 191 MARINA GARDEN COURT B 7 POINT PARK STREET BENIAPUKUR, PS KARAYA, DIST KOLKATA, WEST BENGAL

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D MEDHI, MR. S SARKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 14-10-2026

1. Heard Mr. D. Medhi, 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 filed under Section 483 of the BNSS, 2023,

praying for granting bail to the accused-applicant, namely **Abhimanyu Basu** in connection **Ghy G.R.P.S. PS Case No.201/2026,** registered under Section **20(b)(ii)(B)** of the NDPS Act.

3. An FIR was lodged before the Officer-in-Charge, GRP, Guwahati, NF Railway on 20.09.2026, by one Rahul Kumar Dubey, SI, RPF, Guwahati, alleging that at around 11:00 hrs, they found one person loitering suspiciously at P.F. No.01 KYQ side near clock room of Guwahati Railway Station. On being apprehended and being questioned, police recovered 3.640 kg of ganja from him.

4. On the basis of the FIR, police registered Ghy G.R.P.S. PS Case No.201/2026 under the aforementioned sections.

5. The learned counsel appearing for the accused-applicant submits that though the accused-applicant was arrested at 11:00 hrs on 20.09.2026, he was produced before the learned C.J.M., Guwahati only at around 3:30 p.m on 21.09.2026. He submits that in view of the aforesaid, there is a clear violation of Section 58 of BNSS as well as Article 22(2) of the Constitution of India. He submits that in view of the aforesaid violation, the accused-applicant gets an indefeasible right to be allowed to go on bail.

6. The learned Addl. P.P., on the other hand, opposes the prayer for bail of the accused-applicant, stating that large quantity of ganja has been recovered from the possession of the accused-applicant.

7. This Court has gone through the case diary that has been received and from the case diary, it transpires that the accused-applicant was, in fact, produced before Magistrate beyond 24 hours of his arrest, which is in violation of the provision of Section 58 of BNSS as well as Article 22(2) of the Constitution of India.

8. This Court is of the opinion that since the arrest of the accused-applicant is illegal, the accused-applicant should be released on bail.

9. Accordingly, it is directed that the accused-applicant, named above, shall be released forthwith from jail on furnishing of a bail bond of Rs.50,000/- (Rupees Fifty Thousand only) with one surety of like nature to the satisfaction of the learned Special Judge (NDPS), Kamrup(M), Guwhati, subject to the following conditions:-

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

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

iii) That the accused-applicant shall provide his personal details like PAN Card, ADHAAR Card, Driving Licence, Passport, if any, before the Court of learned Special Judge (NDPS), Kamrup(M), Guwhati.

10. In terms of the aforesaid directions, the instant bail application is

disposed of.

JUDGE

Comparing Assistant