GAHC010222552026

2026:GAU-AS:15731

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

Case No. : Bail Appln./3181/2026

SAFIKUR ALI ALIAS MELA
S/O ROUSHAN ALI, R/O ADHIAPARA, P.S. HAJO, DISTRICT KAMRUP (R), ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. S M MOLLAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 14.10.2026

Heard Mr. S.M. Mollah, learned counsel for the accused and Mr. Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2. This petition, under Section 483, BNSS is preferred by accused, namely, Safikur Ali @ Mela, who has been languishing in jail hazot in connection with Hajo P.S. Case No. 432/2026, under Sections 21(b)/29 of the NDPS Act, for

grant of bail.

3. It is to be noted here that aforementioned case has been registered on the basis of an FIR lodged by the SI(P) Deepjyoti Sarmah of Hajo P.S. on 05.09.2026. The essence of allegation in the FIR dated 05.09.2026, is that acting on a tip off, the informant, along with his staff, conducted search in the house premises of Safikur Ali @ Mela, Hasimuddin Ahmed @ Munna, Abdul Gani @ Hono and Abdul Motlib @ Kolu, and they had recovered 5.17 grams of heroin, along with 41 plastic containers and thereafter, they seized the same in the presence of witnesses.

4. Mr. Mollah, learned counsel for the accused submits that this is the second bail application and the earlier one, being Bail Appln. No. 2723/2026, was dismissed by this Court, vide order dated 24.09.2026, however, vide said order, this Court was pleased to grant bail to Hasimuddin Ahmed @ Munna, Abdul Gani @ Hono and Abdul Motlib @ Kolu, but the prayer of the present accused was rejected on the ground that the contraband substances were recovered from his house and investigation was being carried out against him. Mr. Mollah also submits that from the rejection of the earlier bail application on 24.09.2026, more than 20 days elapsed, and in the meantime, the investigation might have been completed, and that the accused is ready to cooperate with the investigating agency, and under such circumstances, he has contended to allow this petition.

5. Mr. Borthakur, learned Additional Public Prosecutor has opposed the petition. By producing a status report of the investigation of the case, he submits that the FSL report is yet to be received by the investigating agency and further investigation is in progress.

6. Having heard the submissions of learned Advocates of both sides, this Court has carefully gone through the petition and the documents placed on record and also perused the status report produced by Mr. Borthakur, learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 05.09.2026 and since then, he has been languishing in jail hazot. The status report indicates that the FSL report is awaited and further investigation is going on. However, it appears that the I.O. got sufficient time for investigation after rejection of the first bail application on 24.09.2026, wherein after perusing the case diary, this Court was pleased to observe that the I.O. had achieved substantial progress in the investigation.

8. Accordingly, taking note of the submissions of learned counsel for the parties, especially the period of detention and the nature and gravity of the offence, and also the quantum of contraband substances allegedly recovered from the possession of the accused, which is of intermediate quantity, this Court is inclined to allow this petition.

9. It is provided that on furnishing a bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned Special Judge (NDPS), Kamrup Amingaon, the accused be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant