

GAHC010019262026



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

Case No. : AB/210/2026

SOHIDUL ISLAM
S/O KUDDUS ALI,
RESIDENT OF VILLAGE 3 NO. RAJAPUKHURI, PO DHOPGURI, PS
URIAMGHAT, DIST GOLAGHAT, ASSAM

2: OLIULLAH HUSSAIN
S/O KUDDUS ALI

RESIDENT OF VILLAGE 3 NO. RAJAPUKHURI
PO DHOPGURI
PS URIAMGHAT
DIST GOLAGHAT
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. T HUSSAIN, MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

23.02.2026

Heard Mr. N.J. Dutta, learned counsel for the accused/applicants. Also heard

Mr. K.K. Das, learned APP for the State.

2. This is an application under Section 482 of the BNSS, 2023 for granting bail to the accused/applicants in connection with Batadrava P.S. Case No.02/2026 corresponding to G.R. Case No.27/2026 registered under Sections 21(b)/25/29 of the NDPS Act, 1985.

3. The prosecution case, in brief, is that upon receipt of certain information, the police visited a rented premises occupied by one Abdul Mazid, which had been rented from by him Sohikul Islam, the accused/applicant no.1. It is alleged that during the raid, two accused applicants, namely Shahidul Islam and Oliullah Hussain, managed to flee from the place of occurrence by taking advantage of the darkness. However, the police apprehended two other accused persons, namely Monjurul Islam and Ashikul Islam from the said premises and allegedly recovered certain contraband articles under the NDPS Act from their possession. On receipt of the FIR, the police registered Batadrava P.S. Case No. 02/2026 under the relevant provisions of the NDPS Act.

4. Mr. N.J. Dutta, learned counsel for the accused/applicant, submits that the accused/applicants are in no way connected with the alleged incident as mentioned in the FIR dated 03.01.2026. It is submitted that the accused/applicant not had, in fact, rented out the house to one Abdul Mazid and was unaware of any illegal activities being carried out in the said rented premises. The learned counsel further submits that, as reflected in the FIR, the accused/applicants were not present in the house at the time when the police conducted the raid. It is contended that after the police arrested two persons from the premises, a message was left in the house asking the accused/applicants to appear before the police station. Apprehending arrest in connection with the said case, the accused/applicants have approached this Court seeking pre-arrest bail. It is also submitted that the two co-

accused persons, namely Monjurul Islam and Ashikul Islam, who were arrested from the spot, have already been granted bail by the learned Additional Sessions Judge No. 2, Nagaon. Learned counsel further submits that the alleged heroin seized in the present case is of intermediate quantity. In view of the aforesaid facts and circumstances, it is prayed that the accused/applicants be granted the privilege of anticipatory bail.

5. On the other hand, Mr. K.K. Das, learned Additional Public Prosecutor for the State, submits that the accused/applicants were, in fact, present at the time of the raid conducted by the police at the rented house and fled from the place of occurrence upon noticing the arrival of the police. The learned APP, therefore, opposes the prayer for anticipatory bail. He submits that considering the entire facts and circumstances of the case, including the recovery of intermediate quantity of contraband from the said premises and the arrest of two persons from the house (who have subsequently been granted bail), the accused/applicants do not deserve the discretionary relief of pre-arrest bail at this stage.

6. Upon consideration of the submissions advanced by the learned counsel for the parties and the materials available on record and taking into account of the fact that the seized contraband is of intermediate quantity and other co-accused are already granted bail, this Court is of the considered view that, at this stage, the accused/applicants are entitled to the privilege of pre-arrest bail.

7. Accordingly, it is directed that in the event of arrest of the accused/applicant in connection with the aforesaid case, they shall be released by the Investigating Officer on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand only) each with one surety of like amount, subject to the following conditions:

- (i) That the accused/applicants shall appear before the Investigating Officer within a period of 10 (ten) days from the date

of passing of this order;

(ii) That the accused/applicants shall not hamper or tamper with the evidence of the case, nor shall he influence or intimidate any witness connected with the investigation;

(iii) That the accused/applicants shall fully cooperate with the investigation and shall make themselves available before the Investigating Officer as and when called upon to do so.

8. In terms of the aforesaid directions and conditions, the present anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant