

GAHC010048972026



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

Case No. : AB/552/2026

MAIDUL ISLAM
S/O MAJNUR ALI
VILL- UKHURA, KAMRUP
P.S. HAJO
DIST. KAMRUP, ASSAM
PIN-781104

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A DUTTA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 02.04.2026

- 1.** Heard Mr. A. Dutta, learned counsel for the accused applicant. Also heard Mr. P. S. Lahkar, learned Additional Public Prosecutor for the State.

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, for granting pre-arrest bail to the accused applicant namely, Maidul Islam in connection with Changsari P.S. Case No. 21/2026, under Sections 20(b)(ii)(B) of the NDPS Act.

3. The gist of the facts in the instant case is that an FIR was lodged on 03.02.2026, alleging, inter alia, that the OC received an information from one Mujibur Rahman to the effect that an Aactiva Scooty had been detained by local public near Changsari Railway Police Station road, along with a bag suspected to contained Narcotic Substances; that on receipt of such information, police team went to the place and on search of the scooty they recovered 4.443 Kilograms of suspected cannabis.

4. The learned counsel appearing for the accused applicant submits that admittedly the concerned Aactiva Scooty bearing registration No. AS25A1613 belongs to him. However, he is not involved in any selling or transportation of the aforesaid contraband materials recovered from his scooty. He submits that, infact, his scooty was taken by one of his friend namely, Akbar Ali, to procure certain medicines and on good faith, he had given his scooty for the aforesaid purpose. Thereafter, he is not aware how his scooty was found in that place.

5. He submits that he came to know about the seizure of the aforesaid contraband materials later and therefore, he is in serious apprehension that he will be arrested by the police in connection with the aforesaid recovery of the contraband materials as the scooty belongs to him.

6. The learned counsel submits that since he is neither implicated in the instant case nor he is consciously involved in transportation or selling of any of

the contraband materials nor any contraband materials have been seized from him, he should be allowed to go on pre-arrest bail. He further submits that he is willing to co-operate with investigation and appear before the investigating authority as and when required.

7. On the other hand, learned APP appearing for the State submits on the basis of the Case Diary that no person was found in the possession of the scooter and due to the ownership of the scooter is in the name of the accused applicant, the accused applicant has been suspected about his involvement. He opposes the bail at this stage.

8. This court has gone through the Case Diary and has seen that as per the statements of the witnesses also, no person was found to be in possession of the concerned scooter when the narcotic contraband materials were recovered.

9. Taking into consideration, the whole facts of the matter, this court is of the considered opinion that at this stage, the accused applicant should be granted should be granted the privilege of pre-arrest bail. Accordingly, it is directed that in the event of the arrest of the accused applicant in connection with Changsari P.S. Case No. 21/2026, he shall be released on bail on furnishing of a bail bond of Rs. 30,000/- with a surety of like nature to the satisfaction of the arresting authority subject to the following conditions :

(i) That the accused applicant shall appear before the investigating officer within a period of 10 (ten) days.

(ii) The accused applicant shall co-operate with

the investigation and appear before the Investigating Authority as and when required.

(iii) The accused applicant shall not try to influence or induce any witness that may be involved in the instant case.

10. In view of the aforesaid directions, the instant AB application is disposed of as allowed.

JUDGE

Comparing Assistant