

GAHC010184502024



2026:GAU-AS:220

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

Case No. : AB/2383/2024

MD BAPON @ MD BAPON TALUKDAR @ AZIRUDDIN
S/O FAIZUR RAHMAN, R/O VILL. KANKALASH, P.S. BADARPUR,
P.O. BHANGABAZAR
DIST. KARIMGANJ, ASSAM, PIN 788701

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MS A BORAH,MS. K L R YANTHAN,MR. A K DAS,MS. J GHOSH,MS A DAS,MS. U NANDA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA**

ORDER

07.01.2026

Heard Mr. S.C. Biswas, learned counsel for the petitioner. Also heard Mr. K.K. Parashar, Additional Public Prosecutor.

2. By this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely, **Md. Bapon @ Md. Bapon Talukdar @ Aziruddin**, has prayed for granting pre-arrest bail, apprehending arrest in connection with Badarpur P.S. Case No. 185/2024(corresponding to G.R. Case No. 1299/2024) under Section 22(c)/25/29 of NDPS Act.

3. The case of the petitioner is that on 22.06.2024, on receipt of specific information from a reliable source, that two persons were coming through an Alto car and one person coming through a bike and on noticing the police personnel, one person (occupant of the Alto car) was hit by an unknown Bolero vehicle, when they tried to flee away from the spot. The bike rider was able to flee away from the spot by taking the advantage of the accident. During the search, ten thousand Yaba tablets were recovered. Accordingly, the instant FIR has been lodged against the petitioner.

4. It is submitted by the learned counsel for the petitioner that nothing was recovered from the possession of the petitioner. It is also submitted that on the date of the incident, the petitioner was informed by the arrested persons about the incident of arrest by police for which

the petitioner rushed to spot to know the facts of the case but unfortunately he was assaulted by the public suspecting him of his involvement though he was in no way connected the alleged offence and now he is outside Assam for taking treatment. Considering the background of the case, the benefit of pre-arrest bail may be extended to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor for the State produced the case diary and submits that commercial quantity of Yaba tablets were recovered from an Alto car in which the petitioner was travelling. It is also submitted that the petitioner is one of them to deliver such commercial quantity of narcotic substance to one Shah Masum and also the mobile phone of the petitioner was seized from the said car. Under such backdrop, bail prayer of the petitioner may not be considered at this stage.

6. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

7. It appears that around ten thousand Yaba tablets were recovered from a vehicle bearing Regd. No. ML-11-0706 in which the petitioner was travelling. It also appears that the said commercial quantity of narcotic substance to be delivered to one Shah Masum in Lamajuar.

8. The learned Additional Public Prosecutor has submitted that charge-sheet has already been submitted showing the petitioner as absconder.

9. This Court vide order dated 20.08.2024 in AB No. 1924 of 2024

had rejected the pre-arrest bail application after considering the material available in the Case Diary.

10. Considering the above, the present case is not deemed to be a fit case for grant of pre-arrest bail.

11. Accordingly, prayer for pre-arrest bail is rejected.

JUDGE

Comparing Assistant