

GAHC010210052025



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

Case No. : Crl.Pet./1160/2025

SRI BINOD BRAHMA AND 2 ORS
SON OF BABURAM BRAHMA VILLAGE- MAJULI, P.S. UDALGURI DISTRICT
UDALGURI, ASSAM

2: SRI PRONoy KUMAR BRAHMA
SON OF LATE NARAD CHANDRA BRAHMA VILLAGE DOHORAPARA PS
AND DISTRICT UDALGURI ASSAM

3: SRI JONEN NARZARY
SON OF LATE DUISARAM NARZARY VILLAGE- MAJULI
PS AND DISTRICT- UDALGURI ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:THE INVESTIGATING OFFICER

BIKASHJYOTI DEKA I/C BHAWNIPUR O.P. BARPETA POLICE STATIO

Advocate for the Petitioner : S KAUR, L BANIK

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

05.01.2026

Heard Ms. L. Banik, learned counsel for the petitioners and Mr. M.P. Goswami, learned

Additional Public Prosecutor, Assam for the respondent State.

2. Ms. Banik, learned counsel for the petitioners has submitted that in an incident occurred on 06.08.2022, contraband [Ganja] weighing 108.475 kg was seized from the possession of the three petitioners which they were allegedly carrying in a vehicle [Hyundai i10] bearing registration no. AS-01-AK/0928 [‘the subject-vehicle’, for short]. The place where the subject-vehicle was intercepted was within the territorial jurisdiction of Tihu Police Station. After being apprehended, another quantity of contraband [Ganja] weighing 92.550 kg was seized from a shop premises belonging to one Kailash Das, on the basis of information extracted from the apprehended petitioner. The shop premises of Kailash Das was within the territorial jurisdiction of Barpeta Police Station.

3. A case, Tihu Police Station Case no. 74/2022 was registered under Section 21[c] of the Narcotic Drugs and Psychotropic Substances [NDPS] Act, 1985 on 06.08.2022. Another case, Barpeta Police Station Case no. 796/2022 was also registered for the offence under Section 20[b][ii][C] of the NDPS Act on 06.08.2022.

4. The petitioners have stated that in respect of Tihu Police Station Case no. 74/2022, a charge-sheet vide Charge-Sheet no. 69/2022 was submitted on 30.10.2022 charge-sheeting the three petitioners. On the other hand, in connection with Barpeta Police Station Case no. 796/2022, a charge-sheet vide Charge-Sheet no. 1188/2022 was submitted on 30.11.2022 charge-sheeting three petitioners along with Kailash Das.

5. It is the case of the petitioners that as the two incidents occurred on 06.08.2022 at Tihu and Barpeta resulting in seizure of 108.475 kg and 92.550 kg of ganja were part of the same transaction, there could not have been two charge-sheets and resultantly, two trials.

6. Ms. Banik, learned counsel for the petitioners has submitted that by way of an additional affidavit, the petitioners have brought in the Charge-Sheet no. 69/2022 on record.

7. As the said additional affidavit, stated to have been filed by the petitioner, is not on

record, the office to trace out the said additional affidavit and to tag the same with the case record.

8. List the case on 21.01.2026.

JUDGE

Comparing Assistant