

GAHC010257092025



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

Case No. : AB/2770/2025

SURAJ CHETRY
SON OF SWAPNA CHETRY
R/O MOINAPARA, P.O AND P.S. GOLAGHAT, DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. M BHUYAN,MS. P BORAH,MS P DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE PRANJAL DAS

O R D E R

25.11.2025

Heard Mr. K. Boruah, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, whereby the petitioner, namely, Suraj Chetry, has prayed for granting pre-arrest bail, apprehending arrest in connection with Sarupathar P.S. Case No. 56/2025, registered under Section 21(b)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The FIR was lodged on 10.10.2025 by the Police Officials of Sarupathar P.S. It is stated inter-alia that upon source of information, an operation was carried out, whereupon, a co-accused Musst. Sama Begum @ Pinky and Md. Siraj Ali were apprehended on their scooty bearing No. AS05-L-1889 and they were allegedly found to be in possession with suspected heroin quantified at 76 grms, thereby falling in the bracket of intermediate quantity.

4. The learned counsel for the petitioner has drawn my attention to the relevant paragraph of the FIR in which it is stated that the suspected heroin was supposed to be delivered to one Suraj Chetry. It is stated that the have of the present petitioner, Suraj Chetri surfaced only from the statement of the apprehended accused persons.

5. Call for the case diary from the concerned police station.

6. The learned Addl. P.P. has opposes the prayer of the petitioner for grant of interim bail.

7. In the case of **Toofan Singh Vs. State of Tamil Nadu** reported in **(2021) 4 SCC 1**, the law has been settled by the Hon'ble Supreme Court that the statement of the co-accused cannot be sole basis of conviction. Though, no case law is brought to the notice, at this stage, that if the only material is the statement of the co-accused, the petitioner has to be granted bail. Nevertheless, I am of the considered view that in the context of the principles of Toofan Singh

(supra), the said aspect can be taken into consideration at the stage of adjudication of the bail.

7. In the instant case, at this stage, it appears that the incriminating material against the petitioner is the revelation of the apprehended co-accused. Therefore, I am of the view that till the arrival of the case diary, he should be given an opportunity to record his statement.

8. In such view of the matter, till the next returnable date, it is directed that in the interim, in the event of his arrest, the petitioner shall be released on bail, in connection with the above case, on furnishing bail bond of **Rs. 30,000/-** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:-

- (i) That the accused person shall co-operate with the investigation and appear before the I/O making himself available for examination.
- (ii) That the accused person shall not hamper or tamper with evidence.
- (iii) He shall not in any manner indulge in any illegal activities, including any activities prohibited under the NDPS Act.

9. In case of violation of any bail conditions, it will be liable to be cancelled.

10. List the matter again on **05.12.2025**.

JUDGE

Comparing Assistant