

GAHC040005522026



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

Case No. : AB/34/2026

Philip Brahma @ Rahul Brahma
Son of Prem Lal Brahma, resident of No.3 Murkong Selek, (Part-I) Jonai, Dhemaji,
Assam 787060

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Hage Tai, Tassar Tato, A Ali, A K Azad

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 04.05.2026

Heard Mr. A. K. Azad, learned counsel, appearing for the accused-applicant. Also heard Mr. T. Ete, learned Addl. Public Prosecutor appearing for the State respondent.

2. This is an application filed under section 482 of the BNSS, 2023, praying for grant of pre-arrest bail to the accused-applicant in connection with Ruksin P.S. Case No. 09/2026, registered under Section 21(b) of Narcotic Drugs and Psychotropic

Substances (NDPS) Act, 1985.

3. The brief facts of the case is that, on 25.02.2026, S.I. of Ruksin Police Station, East Siang District, Arunachal Pradesh, lodged an FIR before the Ruksin Police Station, alleging, inter alia, that on receipt of a source information that one Mr. Bablu Mishong is involved in illicit trafficking of Narcotic Drugs and was likely to transport certain narcotic drugs to village Leku; accordingly, the police, after compliance of due formalities, went towards the place of occurrence and intercepted a private Scooty bearing Reg. No. AS-06-AJ-1913, ridden by the aforesaid Bablu Mishong; that in front of two witnesses, the police team intercepted the Scooty along with the rider and on search, they recovered a total amount of 8.93 grams of Heroin from the accused person, namely, Bablu Mishong; that the police arrested the aforesaid accused person from the place of occurrence.

4. Accordingly, the police registered Ruksin P.S. Case No. 09/2026, under Section 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 Act, 1985, and during the investigation, the aforesaid Bablu Mishong has implicated the accused-applicant to be the person for whom he has been working for a while. The accused-applicant, being apprehensive of his arrest, due to the filing of the aforesaid FIR as well as arrest of Mr. Bablu Mishong, has approached this Court by filing the instant anticipatory bail application.

5. Mr. A. K. Azad, the learned counsel, appearing for the accused-applicant submits that the accused-applicant is in no way linked with the aforesaid alleged transportation of the Heroin. He submits that the aforesaid Bablu Mishong, being a friend of his, he has lent his scoter for some purpose without, in fact, knowing that he is involved in any such illegal activities. He further submits that the accused-applicant neither has any criminal antecedent nor involved in any such kind of activities. He submits that in the instant case, the accused-applicant is being

searched by the police only on the basis of the statement made by the aforesaid Bablu Mishong under the statement made under 161 Cr.P.C. and therefore, at this stage, the statement of the co-accused cannot be taken into account in consideration of the instant anticipatory bail application. In this connection, the learned counsel has referred to the case of ***P. Krishnamohan Reddy Vs. The State of Andhra Pradesh***, reported in ***2025 SCC OnLine SC 1157***.

6. On the other hand, the learned Addl. P.P., submits that there is a specific implication about involvement of the accused-applicant in the instant case and since the investigation is at a very primary stage, at this stage, the prayer for anticipatory bail to the accused-applicant should not be granted.

7. Case Diary in the instant case is produced before this Court and the same is perused.

8. After taking into account the ratios laid down by the Hon'ble Supreme Court in the cases of ***Bharat Chaudhary Vs. The Union of India***, reported in ***2022 (3) Supreme 171*** and ***P. Krishnamohan Reddy (supra)*** as well as taking into account of the fact that the seized narcotics is of intermediate quantity and there is no any material, linking the accused-applicant with the alleged incident of transportation of Heroin, this Court is of the considered opinion that at this stage, the accused-applicant should be given the privilege of pre-arrest bail. Accordingly, it is directed that in the event of arrest of the accused-applicant in connection with the aforementioned case, he shall be released on bail on furnishing a bail bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions: -

- i. *The accused-applicant shall appear before the Investigating Officer within 10(ten) days of passing of the instant order.*

ii. *The accused-applicant shall cooperate with the investigation and make himself available as and when required by the Investigating Officer.*

iii. *The accused-applicant shall not try to influence any witness that may be connected with the instant case.*

9. In terms of the aforesaid order, the instant anticipatory bail application is disposed of as allowed.

10. Case Diary to be sent back immediately.

JUDGE

Comparing Assistant