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

Case No. : Bail Appln./1410/2026

MAHEDI ALAM BHUYAN
S/O - ABDUL GONI BHUYAN
VILL - KACHARIBORI,
P.O. - DEWAGURI, P.S. - LAHARIGHAT
DISTRICT - MORIGAON, ASSAM

-VERSUS-

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : S K PODDAR,
MR. C SHARMA,
R MANDAL,
MR. R GHOSH,
MS. N PODDAR

Advocate for the Respondent : PP, ASSAM,

– B E F O R E –

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

12-06-2026

Heard Mr. S.K. Poddar, learned counsel for the accused petitioner and Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 483 of the BNSS, 2023 the petitioner, namely, **Mahedi Alam Bhuyan** has prayed for bail in connection with **Laharighat P.S. Case No.16/2026** registered under Sections 61(2)/318(4)/ 336(3)/340(2) of the BNS, 2023 read with Sections 66(C)/66(D) of the I.T. Act.

3. The case started with lodging of the ejahar on 09.02.2026, by which it was revealed that the company, i.e., the informant, who deals with providing doorstep banking services to various customers, banks and financial institutions like Micro Point of Sale devices and QR Codes for digital transactions, has a subsidiary concerned, i.e., Aceware Fintech Services Pvt. Ltd., who recruited a super distributor, namely Dilwar Hussain, the associate of the petitioner, belonging to Morigaon district. It is further alleged that the super distributor is to recruit business correspondent agents and the said agents, if not active for 3 months, their log in IDs are disabled. It is also alleged that the super distributor was also empowered to employ local people as distributors/employees. One such employee recruited by the associate of the petitioner was one Amir Hamja and on enquiry being made, it was found out that several mules with the mastermind have been working in a collaborative manner to carry out fraudulent activities and to find out the same, the FIR was lodged.

4. Mr. S.K. Poddar, learned counsel for the petitioner submits that the petitioner is the associate of said Dilwar Hussain, the super distributor and he has been helping him in conduct of the business of the company and that he has no connection with

any fraudulent activity being committed with the money of the company. He further submits that the offence registered in the instant case entails a punishment of 7 years and less and as such, a notice under Section 41A of Cr.P.C. and 35(3) BNSS are mandatorily have to be supplied to the petitioner, which has not been done in the instant case. As such, there is a violation of the same and by referring to the judgment of the Hon'ble Supreme Court in ***Arnesh Kumar Vs. State of Bihar***, reported in ***(2014) 8 SCC 273*** and ***Satender Kumar Antil Vs. CBI & Anr.,*** reported in ***(2022) 10 SCC 51***, Mr. Poddar submits that bail should be granted to the petitioner.

5. Mr. K.K. Parasar, learned Additional Public Prosecutor, however, submits that as far as the merit of the case is concerned, the petitioner is involved in the same, as there are witnesses who have stated that the petitioner is constructive in manipulating the money of the company.

6. It was stated in the case diary, as placed by Mr. Parasar, that during the course of investigation it was learnt that the petitioner working as an agent under a super distributor had been sending and receiving funds using mule accounts and fraudulently loaded with wallet balances.

7. Upon consideration of the submissions made at the Bar, more so, due to the fact that no notice under Section 35(3) of the BNSS was given to the petitioner, there is a violation of the mandatory provision and also considering the fact that the petitioner has not been named in the FIR and he is not an employee with the company concerned and further considering the detention of the petitioner for quite some time, this Court deems it fit that the petitioner be released on bail on furnishing of a bail bond of **Rs.30,000/- (Rupees Thirty thousand)** only with one local surety of like amount to the satisfaction of the learned **S.D.J.M(S), Morigaon**, subject to the following conditions:-

i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and

ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Police Officer or the Court.

8. The bail application is disposed of.

JUDGE

Comparing Assistant