GAHC010125822026

2026:GAU-AS:9161

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

**Case No. : Bail Appln./1689/2026**

HOBIBUR RAHMAN ALIAS MOIZUDDIN AND ANR
S/O- JOINUDDIN SK, R/O- VILL- BHALUKJHORA,P.S- BOGRIBARI,
KOKRAJHAR.PIN-783349.

2: FAZLUL SHEIKH MOFIZUL
S/O-LT BASIRUDDIN SHEIKH
R/O-VILL- KHARKHARI PT-I
P.S-KAZIGAON
KOKRAJHAR. PIN-783339

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP ASSAM

**Advocate for the Petitioner** : MR P K DAS, MR. M BARUAH

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**
**HON'BLE MRS. JUSTICE MITALI THAKURIA**

O R D E R

Date : 24.06.2026.

Heard Mr. P.K. Das, learned counsel for the accused petitioners. Also heard Mr. R.J. Baruah, the learned Addl. P.P., Assam appearing for the State respondent.

This is an application under Section 483 of BNSS, 2023 praying for grant of bail to the accused petitioners, namely, (1) Hobibur Rahman @ Moizuddin and (2) Fazlul Sheikh @ MofizulAbul Sheikh who are in jail custody w.e.f. 31.05.2026 and 30.05.2026 respectively, in connection with Bagribari P.S. Case No. 33/2026, registered under Sections 303(2)/324(5)/317(4) of the BNS *read with* Sections 24/25/40 of the Assam Forest Regulation, 1891.

The case diary is received and perused the same.

It is submitted by Mr. Das, the learned counsel that petitioners are no way involved with the alleged offence and nothing have been recovered from their conscious possession and from the FIR itself it is seen that the forest product i.e. the sal logs were recovered from some vehicles which were kept in abandoned condition. The present petitioners got arrested in connection with the present case only considering their living style who are stated to be leading a lavish life style. But it is submitted by the learned counsel that the present petitioners are not living a lavish life, rather they are somehow managing their livelihood by working and they are not at all associated with the alleged offence. They are in custody since 23/24 days respectively and hence, considering their period of detention, they may be released on bail. However, they are still ready and willing to extend their cooperation in further investigation of this case, if they are granted with the privilege of bail.

Mr. Baruah, the learned Addl. P.P., Assam raised vehement objection and submitted that these two accused persons who are working as driver and associate of the co-accused, namely, Abul Sheikh and they are the persons who used to see the business of the co-accused Abul Sheikh and they are fully

involved in cutting, transporting and selling of the forest products/sal logs. These two accused petitioners are closely associated with the illegal business of the various forest product and they are the persons who fixed the customers and delivered the sal logs/forest product to its destination. Accordingly, he submitted that the investigation is still at the crucial stage and hence, further custodial interrogation of the present two accused petitioners will be required for the interest of the investigation.

Hearing the submissions made by learned counsel for both sides, I have also perused the case record and the case diary.

It is seen that there are sufficient incriminating materials against the present accused petitioners who are stated to be associated with the illegal business of cutting, selling and transporting the sal logs which are considered to be precious forest product. They not only associated with the illegal business of timber, but they are the persons who also arranged the customers and used to deliver those forest products to its destination.

As discussed in the earlier bail rejection order of the co-accused Abul Sheikh in Bail Application No.1438/2026, the sal logs were recovered from four numbers of vehicles, which had no registration numbers and by using such kind of vehicle, there was illegal transportation of the sal logs and the case is still under investigation to know the ownership of those vehicles as well as to unearth some more facts of the entire crime whereby it caused heavy loss to the State’s exchequer by the illegal business of the forest product, specially the sal logs, which is a valuable forest product of the State.

Considering all these aspects of the case and also the stage of investigation, this Court is of the opinion that further custodial interrogation may be required for the purpose of investigation of this case and accordingly, it is held that it is not a fit case to enlarge the accused/petitioners on bail at this stage. Hence, the present bail application stands rejected.

Return back the case diary forthwith.

JUDGE

**Comparing Assistant**