GAHC010131432026

2026:GAU-AS:11665

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

Case No. : AB/1464/2026

MR PRABIR PAUL
SON OF BABUL PAUL, RESIDENT OF HOUSE NO 1 PRAGATI PATH LAL GANESH P S DISPUR DISTRICT KAMRUP METRO ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

17.08.2026

Heard Ms. P. Borah, learned counsel for the applicant and also heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita

(BNSS), 2023, is preferred by the applicant, namely, Prabir Paul, who has been apprehending arrest in connection with Borkhola P.S. Case No.01/2026 under Section 61(2)/112(2)/303(2)/317(4)/318(2) of Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 59 of the Food Safety & Standards Act, 2006, for grant of pre-arrest bail.

3. Notably, the aforementioned case has been registered on the basis of one FIR lodged by one Mani Ram Kalita, S.I. of Police, Borkhola P.S., Cachar, on 09.01.2026. The essence of allegation in the FIR dated 09.01.2026 is that in connection with Borkhola P.S. Case No.01/2026, 57 nos. of gunny bags containing suspected Burmese Supari (betel nuts) were recovered from a vehicle, bearing Registration No.AS-11T-3203 (Venue Car) and 240 nos. of gunny bags of suspected Burmese Supari were recovered from another vehicle, bearing Registration No.JK-02CJ-5990 from the possession of one Kulbinder Kumar and Janab Ali Barbhuiya.

4. Ms. Borah, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail, vide order dated 26.06.2026 and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and his statement is also recorded and therefore, he has contended to make the interim order dated 26.06.2026, absolute, in the same terms and conditions.

5. Per contra, Mr. Goswami, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and he submits that the applicant has been cooperating with the investigating agency and further, Mr. Goswami submits that since the applicant has been cooperating with the investigating agency, his custodial interrogation is not required in the interest of investigation.

6. Accordingly, taking note of the submission of learned counsel for both the parties and also considering the materials collected so far in the case diary and further, considering the cooperation being extended by the applicant with the investigating agency, his custodial interrogation seems to be unwarranted here in this case and accordingly, this Court is inclined to dispose of this application by making the interim

order dated 26.06.2026, absolute, in the same terms and conditions.

7. Case diary be returned.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant