GAHC010140562026

2026:GAU-AS:10066

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

Case No. : Bail Appln./1886/2026

SAHINUR ISLAM
S/O- BASER ALI, VILL- NIZ MONIRCHAR, P.S. - SOUTH SALAMARA, DIST- SOUTH SALMARA MANKACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR A RAHMAN, S KHATOON,MS. B SHAZIDA,Mr M U Ahmed

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

22-07-2026

Heard Mr. A. Rahman, learned counsel for the petitioner and Mr. P. Borthakur, learned Additional Public Prosecutor, for the State.

2. This application has been filed under Section 483 BNSS, seeking bail of the petitioner, namely, **Sahinur Islam**, who was arrested on 17.05.2026 in connection with **South Salmara P.S. Case No. 67/2026** registered under Sections 61(2)/148/336(3)/340(2)/318(4) of BNS, 2023, read with Section 14(c) of the Foreigner Act.

3. It appears that the petitioner was arrested on 17.05.2026 and since then, he has spent 65 days in custody.

4. None of the Sections under which the present FIR has been registered relate to an offence, where the minimum punishment provided is imprisonment for 10 years or above. However, under Section 148 BNSS other punishment is upto imprisonment for life and above.

5. In view of the decision of the Hon'ble Apex Court in the case of **Rakesh Paul Vs. State of Assam**, the statutory period of detention in the present case is to be regarded as 90 days due to incorporation of Section 148 BNSS. But a perusal of the FIR as well as the grounds of arrest mentioned in the Forwarding Report do not contain any ingredients of the offence under Section 148 BNSS, i.e., waging war against the Government of India and the said Section does not appear to be attracted and the statutory period of detention in respect of the remaining section is 60 days.

6. On instructions received, the learned Addl. PP submitted that the charge sheet has not been submitted. Therefore, the petitioner is entitled to default bail.

7. Accordingly, it is directed that the petitioner, namely, **Sahinur Islam** shall be released on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) only, with 2 (two) sureties of the like amount to the satisfaction of the learned CJM, South Salmara-Mankachar. It is further provided that the petitioner shall cooperate in the investigation and the trial, if once commences.

8. With the above observations, this bail application is disposed of.

JUDGE

Comparing Assistant