GAHC010148962026

2026:GAU-AS:11463

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

Case No. : Bail Appln./2012/2026

SAIFUL ISLAM AND ANR
S/O LATE AFAJUDDIN
R/O-VILLAGE- MALIPARA, P.S.-TARABARI, DIST. BARPETA, ASSAM

2: SAHIDUL KHAN ALIAS SHAHIDUL KHAN
S/O SAMIR KHAN
R/O-VILLAGE- MALIPARA
P.S.-TARABARI
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J C GOGOI, MS. P DAS,MR B ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13.08.2026

Heard Mr. B. Islam, learned counsel for the accused. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State respondent.

2. This petition, under Section 483, BNSS is preferred by two accused, namely, Saiful Islam and Sahidul Khan @ Shahidul Khan, who have been languishing in jail hazot in connection with Hajo P.S. Case No. 304/2026, under Sections 303(2)/317(2) of the BNS, 2023, read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, read with Section 13(1) of the Assam Cattle Preservation Act, 2021, read with Section 192(a) of the Motor Vehicles Act, since 06.07.2026, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by ASI Rahizuddin Ahmed of Dadara Outpost, under Hajo P.S. on 06.07.2026. The essence of allegation in the aforesaid FIR is that on 06.07.2026, at about 3:30 a.m., the informant found one Truck, bearing Registration No. AS-01-PC-2917, loaded with cattle, being parked at Alikash area. Then, the vehicle, along with the loaded cattle were taken to Dadara Outpost. Thereafter, the present two accused person had tried to offer a sum of Rs. 50,000/- to the informant and to get all the cattle loaded in the Truck released.

4. Mr. Islam, the learned counsel for the accused submits that the accused are innocent and no way involved with the offence alleged in the FIR, and that investigation of the case has already been completed and charge-sheet has been submitted by the I.O. before the learned Magistrate. Mr. Islam also submits that the co-accused persons have already been enlarged on bail in this case by the learned trial Court and that the accused are behind the bar for last 39 days, and they are ready to face the trial, and therefore, he has contended to allow the petition.

5. On the other hand, Mr. Goswami, learned Additional Public Prosecutor has opposed the petition on the ground that the accused persons had tried to bribe

the police to get the vehicle and the cattle released.

6. Having heard the submissions of learned Advocates of both sides, this Court has carefully gone through the petition and the documents placed on record, and also perused scanned copy of the record received from the learned trial Court.

7. It appears that the accused persons have been languishing in jail hazot for last 39 days and after completion investigation of the case, the I.O. has already submitted charge-sheet before the learned Magistrate. Further, it appears that the co-accused have already been enlarged on bail by the learned trial Court.

8. In view of the given facts and circumstances on the record, this Court is of the view that further custodial detention of the accused persons, in the interest of investigation, seems to be not warranted herein this case.

9. Accordingly, this Court is inclined to allow the petition. It is provided that on furnishing a bond of Rs. 20,000/-, each with one surety of like amount, to the satisfaction of the learned Judicial Magistrate 1st Class, Kamrup, Hajo, the accused persons be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant