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

Case No. : Bail Appln./2122/2026

SABIBAR UDDIN AND ANR
SON OF JAMAL UDDIN, RESIDENT OF VILLAGE- NAMBARPARA, P.O.- NAMBARPARA, P.S.- ABHAYAPURI, DISTRICT- BONGAIGAON, ASSAM.

2: SANIDUL ALI
SON OF SOLEMAN ALI
RESIDENT OF VILLAGE-BHALUKDUBI
P.O. P.S.- GOALPARA
DISTRICT- GOALPARA
ASSAM

VERSUS

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

Advocate for the Petitioner : MR. N I KHAN, MRS. M TALUKDAR,MR. S Z RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

31.07.2026

Heard Mr. N. I. Khan, learned counsel for the accused and Mr. P. Barthakur, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, 2023, is preferred by the accused, namely, **(i) Sabibar Uddin** and **(ii) Sanidul Ali**, who have been languishing in jail hajot, in connection with Gorchuk P.S. Case No. 140/2026, registered under Sections 303(2)/317 of the BNS, 2023, since 21.06.2026.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by S.I. Kushal Deka, Gorchuk Police Station. The essence of allegation against the present accused persons is that various stolen articles, i.e., 18 pairs of aluminum fixture components used for connecting RRU units of telecom towers, 1 RRU box used in a telecom tower and 1 CP Plus NVR, Model No. CP-UNR-4K4322-V3, 12 Volt DC; were recovered from their possession.

4. Mr. Khan, learned counsel for the accused submits that the accused persons were arrested on 21.06.2026, and since then, they been languishing in jail hajot for the last 44 days. He also submits that the punishment prescribed for the aforementioned offence is 3 (three) years and that further custodial detention of the accused persons may not be warranted in the investigation and accordingly, he has contended to allow them to go on bail.

5. Per contra, Mr. Barthakur, learned APP for the State respondent has opposed the petition on the ground that some articles worth Rs. 60,000/- were recovered from their possession and that the case diary may be called for, fixing a short date.

6. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record.

7. It appears that the accused persons were arrested on 17.06.2026, and they were forwarded to judicial custody on 18.06.2026, and since then they have been

languishing in jail hajot for the last 44 days. Further, it appears that the stolen articles have already been recovered and seized by the Investigating Officer of the case.

8. In that view of the matter, this Court is of the view that further custodial detention of the accused persons may not be warranted in the interest of the investigation and accordingly, this Court is inclined to allow this petition.

9. It is provided that on furnishing a bond of Rs. 25,000/- with one surety each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), both the accused persons shall be enlarged on bail.

JUDGE

Comparing Assistant