

GAHC010006262026



2026:GAU-AS:1086

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

Case No. : Bail Appln./172/2026

NASIUR RAHMAN
S/O MANGAL UDDIN
R/O VILL. KHANDAKUR
P.S. BARPETA
PIN 781314
DIST. BARPETA
ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM.

Advocate for : MR. B BORAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 30.01.2026

Heard Mr. B. Borah, learned counsel or the petitioner and also heard Mr. K. Baishya, learned Addl. P.P. for the State.

2. In this petition under Section 483 BNSS, the accused-petitioner, namely, **Nasiur Rahman** who was arrested on 28.11.2025 in connection with **Barpeta P.S. Case No. 403/2025** under Section 111(2)(b)/3(5)/308(4) of BNSS, 2023 is seeking bail.

3. Case diary as called for has been received.

4. As per the allegation in the FIR the informant made an enquiry on 27.11.2025 at 03.00 hours as per source information and as per Barpeta PS GDE No. 15 dated 27.11.2025 that one Mongal Uddin along with his son Najiur Rahman has been running an illegal money lending business from long time at exorbitant interest rates. It was also informed that they have a history of mentally and physically torturing the public in connection with such illegal money lending activities. They have been demanding and harassing various people with an interest upto 10% per month additionally with conspiring to derive monetary benefit from all by cheating. During enquiry, the informant along with the WPC and available battalion staff proceeded to the house of the said accused/persons at village Khandarkur. A house search was conducted in the presence of independent witnesses and following articles were seized:-

1. 57 Nos. of Cheque Books.

2. 46 nos. of blank pages with Revenue ticket signatures.

3. 2 nos. of RC and 2 nos. of ATM Cards.

4. Total 43 nos. of illegal money lending namely Indian Non-Judicial Stamp.

5. It is submitted by learned counsel for the petitioner that although the case is registered u/s 111(2)(b) along with other sections of the BNSS, the said

section pertaining to organized crime is not attracted in the present case since the principal allegation against the petitioner pertains to money lending which is not covered by the definition of economic offence as provided u/s 111 BNS. It is further submitted that at best the provisions of the Assam Money Lenders Act as amended would be attracted whereby as per Section 12 it is provided that who ever acts in contravention of the said Act is punishable with fine of Rs. 30,000/- for first offence and Rs. 60,000/- for the second offence.

6. Pursuant to interim protection granted by this Court by order dated 27.01.2026, the petitioner has appeared before the I.O. and his statement has been recorded.

7. The learned counsel submits that there are sufficient incriminating material against the petitioner as large number of cheque books, blank pages with revenue ticket signatures, ATM cards, Non-Judicial Stamp Paper etc were recovered from the house of the petitioner.

8. I have perused the case diary and therefrom it does not appear prima facie that Section 111(2)(b) pertaining to organised crime involving economic offences is attracted. The rest of the Sections are baialble. This is of course a prima facie view and shall not have any hearing on the trial if one commences.

9. Having regard to the period of detention of 64 days, the prayer for bail is **allowed**.

10. The accused-petitioner, **Nasiur Rahman**, shall be released on bail of **Rs.50,000/-(Rupees Fifty Thousand)** with one surety of like amount to the satisfaction of learned CJM, Barpeta in connection with the aforesaid case.

11. It is further directed that the petitioner shall co-operate with the

investigation and shall not try to hamper the investigation or temper with the evidence.

12. Accordingly, the bail application stands **disposed of**.

JUDGE

Comparing Assistant