GAHC010177222026

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

Case No. : AB/1955/2026

RIAZUL ISLAM ALIAS REZAUL ALI AND 2 ORS.
S/O KODOM ALI
VILLAGE MONIRCHAR PART-I, P.O. P.S. SOUTH SALMARA, DISTRICT DHUBRI, ASSAM, PIN 783127

2: HASANUR ZAMAN @ HASANUR
S/O RUPCHAN ALI
VILLAGE MONIRCHAR PART-I
P.O. SARKARERGAON
P.S. SOUTH SALMARA
DISTRICT DHUBRI
ASSAM
PIN 783127

3: MYAN UDDIN @ MAINUDDIN
S/O ABU BOKKOR @ BOKKAR ALI
RESIDENT OF VILL- MONIRCHAR PART-I
P.O. AND P.S. SOUTH SALMARA
DIST. DHUBRI
ASSAM
PIN-783127

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR Z ALAM, MS. S NAZNEEN,MR. T A RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 06.10.2026

Heard Mr. Z Alam, learned Counsel for the petitioners and Mr. DP Goswami, learned Additional Public Prosecutor for the State.

2. By this application, the petitioners have prayed for pre arrest bail in connection with South Salmara Police Station Case No. 103/2026 registered under Sections 189(2)/ 132/ 296/ 115(2)/1 21(1)/ 3(5) of BNS, 2023. The FIR in connection with which the petitioners are apprehending arrest was lodged by the police personnel of South Salmara Police Station stating inter alia that on an information that suspected cattle smugglers had assembled at a particular place, the informant along with other staff reached the place of occurrence and seeing them, the miscreants formed an unlawful assembly and obstructed the police personnel. It was also stated that a quarrel took place and the police personnel could only apprehend one of the accused person namely Mukbul Hussain. It was further stated that on interrogating the said arrested accused person, the names of the petitioner surfaced.

3. The learned Counsel for the petitioners submits that there was altercation between the parties but it was on a misunderstanding of the facts since the

police personnel were not in their uniform. He further submits that on completion of the investigation, the police had submitted the charge sheet and the matter is at the appearance stage. He also submits that the arrested accused person was released on bail by the Court of CJM, South Salmara.

4. On the other hand, Mr. DP Goswami, learned Additional Public Prosecutor for the State on perusal of the Case Diary submits that the independent witnesses have stated that there was a quarrel amongst the persons assembled at the place of occurrence with the police personnel and the police personnel was also injured but with simple injuries.

5. Upon considerations of the submissions made by the learned Counsels for the parties, more so in view of the fact that the Investigating Officer has already submitted the charge sheet and there is no requirement of any custodial interrogation, this Court deems it fit to enlarge the petitioners on pre arrest bail on furnishing of bail bond of Rs. 20,000/- each with one local surety each of the like amount to the satisfaction of the CJM, South Salmara under the following conditions:

i) the petitioners will have to go and appear before the Trial Court on the next date fixed without fail and if they do not appear, the bail will be cancelled by the concerned authority.

ii) the petitioners will appear before the Trial Court within 10 days from the date of the order.

iii) the petitioners will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iv) the petitioners will not leave the place of jurisdiction without the permission of the concerned Court.

6. Petition is disposed of.

JUDGE

Comparing Assistant