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

Case No. : AB/2048/2026

NOZMUL MUBARAK AHMED AND ANR
S/O JAINAL ABDIN, R/O MAHMARA BILL, P.S. LAHORIGHAT, DISTRICT- MORIGAON, ASSAM

2: ILIAS UDDIN
S/O SURHAB ALI
R/O MAHMARA BILL
P.S. LAHORIGHAT
DISTRICT- MORIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE ANJAN MONI KALITA

25.11.2026

Heard Mr. S. M. Mollah, learned counsel appearing for the accused applicants and also heard Mr. R. J. Baruah, learned Addl. PP for the State.

2. This is an application filed under Section 482 BNSS, 2023 praying for granting of pre-arrest bail to the accused applicant, in connection with Tezpur P.S. Case No. 446/2026, registered under Sections 316(2)/ 318(4)/ 336(3) / 338/ 340(2)/ 61(2) of BNS read with Sections 66(C)/ 66(D)/ 72(A) of the IT Act, 2000.

3. An FIR was lodged on 28-07-2026 by one Nazmul Ansari before the Officer-in- Charge, Tezpur Police Station, alleging that one Jewel Ahmed had taken his and some other persons' biometric details, including finger prints and iris scans. It is alleged that the informant enrolled himself in Skill India related programme of Govt. of India and for the purpose of the enrolment, it was told that those biometric details were required. It is alleged that initially the informant was told that the biometric will be required for registration and AADHAR eKYC verification but after the completion of the verification, it is found that the same would be used for imparting training followed by payment of stipend. It is alleged that the informant became sceptical about the use of such biometric and some misuse of the same. Accordingly, he filed the instant FIR.

4. On receipt of the FIR, police registered the same as Tezpur P.S. Case No. 446/2026 under the aforementioned sections.

5. The accused applicants were granted interim pre-arrest bail by a coordinate bench of this Court vide orders, dated 27.08.2026 and 31.08.2026, respectively.

6. The learned counsel appearing for the accused applicants submits that in terms of the aforesaid directions, the accused applicants have appeared before the Investigating Officer of the case and their statements have already been recorded.

7. Mr. R. J. Baruah, learned Addl. PP for the State, on the other hand, submits that the Case Diary in the instant case should be perused before making the interim pre-arrest bail absolute.

8. This Court has taken into consideration the submissions made by the learned counsel appearing for the respective parties and also considered the fact that the accused applicants are cooperating with the investigation.

9. Taking into account the entire facts, this Court is of the considered opinion that the interim pre-arrest bail granted to the accused applicants vide orders, dated 27.08.2026 and 31.08.2026, should be made absolute.

10. Accordingly, the instant anticipatory bail application is disposed of by making absolute, the interim pre-arrest bail orders, dated 27.08.2026 and 31.08.2026 respectively.

JUDGE

Comparing Assistant