GAHC010187862026

2026:GAU-AS:15032

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

Case No. : Bail Appln./2563/2026

ROFIKUL ISLAM ALIAS RAFIKUL ISLAM
S/O NALU SHEIKH, R/O VILL BAPURVITA PART II, PS BAGUAN, DIST GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR S PRODHANI,MR Z RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 07-10-2026

1. Heard Mr. N.J. Dutta, the learned counsel appearing for the accused-applicant. Also heard Mr. M.P. Goswami, the learned Addl. P.P, Assam appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023,

praying for granting bail to the accused-applicant, namely **Rofikul Islam @Rafikul Islam** in connection with **Lakhipur P.S. Case No.132/2026** registered under Sections **61(2)/143(2)/143(5)/ 318(4)/336(3)** of the BNS, 2023 read with Section **24** of the Immigration and Foreigners Act, 2025.

3. The learned counsel appearing for the accused-applicant submits that the accused applicant was arrested at 2:10 a.m on 07.08.2026 as per the forwarding report and he was produced before the Court only on 08.08.2026. Therefore, the production of the accused-applicant before the Court is beyond 24 hours and the same is in violation of Section 58 of the BNSS as well as Article 22(2) of the Constitution of India. He submits that on that ground alone, the accused-applicant should be granted bail.

4. The case diary in the instant case is received.

5. The learned Addl. P.P has opposed the prayer for bail of the accused-applicant.

6. On perusal of the case diary, it is seen that the Lakhipur Police Station has received the information at 10 a.m. on 08.08.2026 about apprehension of certain Bangladeshi nationals and alleged involvement of the accused-applicant in facilitating the illegal entry into India, transportation and harbouring and inter-state movement of those apprehended Bangladeshis. Accordingly, upon such information, the vehicle of the accused-applicant was intercepted and he was arrested.

7. From the FIR it is seen that the information about the movement of the vehicle was received on 08.08.2026 at 12:12 a.m. and subsequently, at 02:10 a.m., the accused-applicant was arrested by the police. The accused-applicant was produced before the learned C.J.M., Goalpara on 08.08.2026.

8. On perusal of the notings made in the case diary, it is seen that the accused-applicant was, in fact, produced before the learned C.J.M., Goalpara within 24 hours time period. Taking into account the aforesaid fact and finding prima facie no violation of the mandate of Section 58 of the BNSS as well as Article 22(2) of the Constitution of India, this Court is not inclined to grant any relief to the accused-applicant at this stage.

9. Accordingly, the instant bail application is rejected at this stage.

10. Case diary be returned.

JUDGE

Comparing Assistant