GAHC010190322026

2026:GAU-AS:16231

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

Case No. : AB/2149/2026

SRI YUNUSH NAYAK ALIAS YOUNUS NAYAK
S/O DAS NAYAK
R/O- SELENG TEA ESTATE, P.O. AND P.S. TEOK, DIST. JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY P.P. ASSAM

Advocate for the Petitioner : MR. J C GOGOI, MR. A GOSWAMI,MS. N BEGUM,MR B ISLAM,MR. S ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

04.11.2026

Heard Mr. B. Islam, learned counsel for the applicant and Mr. R. J. Barua, learned Additional Public Prosecutor for the State respondent No. 1.

2. This application, under Section 482 of the BNSS, 2023, is preferred by the

applicant, namely, **Yunush Nayak @ Younus Nayak**, who has been apprehending his arrest in connection with Nagaon P.S. Case No. 492/2026, under Sections 303(2)/317(2) of the BNS, 2023, read with Section 23 of the Petroleum Act, 1934, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by one Sahidur Rahman, ASI of Police, Nagaon Police Station, on 29.06.2026.

4. The essence of allegation in the FIR, dated 29.06.2026, is that one Ajit Chetia, driver of one Oil Tanker, bearing Registration No.WB73E9118, was found carrying stolen petroleum products, by illegally tapping an oil pipeline and transporting the same to Guwahati with a challan, which contradicted the version of the driver.

5. Mr. Islam, learned counsel for the applicant submits that the applicant is innocent and no-way involved with the offence alleged in the FIR. He also submits that the applicant is ready to cooperate with the investigating agency and will abide by any condition imposed by this Court, in the event of granting him pre-arrest bail and therefore, he has contended to allow this application.

6. Per contra, Mr. Barua, learned Additional Public Prosecutor has produced the case diary before this Court and he submits that the I.O. has collected sufficient incriminating materials against the applicant and his custodial interrogation is necessary in the interest of investigation and under such circumstances, he has contended to dismiss this application.

7. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also gone through the case diary with the assistance of the learned Additional Public Prosecutor.

8. It appears that the I.O. has collected sufficient incriminating materials against the applicant. Investigation is going on and his custodial interrogation seems to be indispensible in the interest of the investigation, and if the privilege of pre-arrest bail is granted to the applicant at this stage, it will cause serious prejudice to the investigating agency. And further, it appears that the co-accused are yet to be arrested.

9. Under such circumstances, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicant. And accordingly, this anticipatory bail application stands dismissed.

10. In terms of the above, this application stands disposed of.

11. Case diary be returned.

JUDGE

Comparing Assistant