GAHC010199262026

2026:GAU-AS:16906

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

Case No. : AB/2218/2026

MAHIBUDDIN AHMED ALIAS MITHUN
S/O LATE JOYNAL ABDIN, PERMANENT RESIDENT OF VILLAGE NO. 1 BHELKAR, P.O. BHELKAR BAZAR, P.S. HAJO, DISTRICT KAMRUP, ASSAM, PIN 781102

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. J A AHMED, MR. K M HASSAN,MR L HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 17-11-2026

Heard Mr. J. A. Ahmed, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional PP for the State.

2. This is an application under Section 482 of the BNSS, 2023, for grant of pre-arrest bail to the petitioner, namely, Mahibuddin Ahmed @ Mithun, in connection

with Changsari Police Station Case No. 215/2026 registered under Sections 305(b)/317(2)/3(5) of the BNS, 2023 [corresponding to GR No. 69(K)/2026].

3. As per the FIR, on 30.08.2026, on Bajrang Lal Pareek, representative of Vinayak Logistics India Pvt. Ltd., lodged a written complaint with the Officer-in-Charge, Changsari Police Station to the effect that on 29.08.2026, 2308 cartons of Dhara Oil were looted in truck vide Challan No. 3771 dated 29.08.2026, at Changsari Railway station for delivery to Mother Diary Fruit Vegetable Pvt. Ltd., Jorhat, against 3 (three) invoices. However, on 30.08.2026, the vehicle was recovered at Changsari near Dharampal Satyapal, while its driver, Jahar Ali, was found missing, raising serious concern regarding the consignment and the circumstances of the driver's disappearance and theft of the goods. Hence the case.

4. After receipt of the said FIR, the Officer-in-Charge, Changsari Police Station registered the same as Changsari Police Station Case No. 215/2026 under Sections 305(b)/317(2)/3(5) of the BNS, 2023 and thereafter the Investigating Officer commenced the investigation into the case.

5. It was earlier submitted on behalf of the petitioner that other two persons, namely Mahiruddin and Atikur Rahman, had been arrested by the police. It is submitted that the said two other persons are known to the petitioner since a long time and the petitioner had given his Maruti Swift vehicle to the said arrested persons and besides that the has no involvement in the present case. He further submitted that the petitioner has been suffering from multilevel chronic degenerative disc and facet disease, and he has been advised bed-rest.

6. In this backdrop, the petitioner was granted interim bail on 14.09.2026 with

conditions and the case diary as called for has been received.

7. The learned counsel reiterates the earlier contention that the petitioner had only given his vehicle to his acquaintance.

8. Upon perusing the case diary, the learned Additional PP has confirmed that the petitioner has appeared before the IO and his statement has been recorded pursuant to the grant of interim bail. However, the learned Additional PP submits that the petitioner has been involved in the incident of theft of the articles from the truck as per the statements of the co-accused. Further, the learned Additional PP fairly submits that he has not noticed the statements of independent witnesses regarding the same. Investigation is in progress but not yet completed.

9. In the aforesaid circumstances, I am of the considered view that it may not be essential, from the point of view of the investigation to cancel the interim pre arrest bail.

10. Accordingly, the interim bail granted vide order dated 14.09.2026 is hereby made absolute subject to the conditions that:-

(i) he shall cooperate with the remaining investigation;

(ii) he shall not hamper or tamper with evidence;

(iii) he shall not try to influence, intimidate or threaten the witnesses;

(iv) he shall not indulge in any illegal activities.

11. Violation of any of the bail conditions would entail cancellation of the bail.

12. Anticipatory bail application stands allowed and disposed of.

13. Return back the case diary.

JUDGE

Comparing Assistant