GAHC010210402026

2026:GAU-AS:14813

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

**Case No. : AB/2404/2026**

JOYNUL HUSSAIN AND ANR
SON OF JEHERUL HUSSAIN RESIDENT OF AIDEOBARI HABI, P.S. - SONARI, DIST- CHARAIDEO, ASSAM.

2: ABDUL RAJJAK
S/O ABDUL MAZID RESIDENT OF AIDEOHABI
BENGENABARI P.S. SONARI
DIST- CHARAIDEO
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. T DEURI, MS. P KONWAR,U BHARADWAJ,MS. L WANGSA,MR U SAIKIA,MRS. R S DEURI

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**05.10.2026**

Heard Mr. T. Deuri, learned counsel for the applicants and Mr. P. Borthakur, learned

Additional Public Prosecutor for the State respondent.

**2.** Apprehending arrest in connection with Sapekhati PS Case No. 20/2026, under Section 303(2) of the BNS, read with 13(1) of the Assam Cattle Preservation Act, this application, under Section 482 of the BNSS, is preferred by the applicants, namely, Joynul Hussain and Abdul Rajjak, for grant of pre-arrest bail.

**3.** It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Rahul Bhumij, Secretary of Kanugaon Village Defence Party, on 29.06.2026.

**3.1.** The essence of allegation made in the FIR is that on 29.06.2026, at about 03:30 am, the members of the Kanugaon Village Defence Party had found two Mahindra Pickup vehicles, carrying cattle and while they were questioning the driver of the first vehicle, bearing registration No. AS-04-AC-7984, the other vehicle fled away and from the first vehicle, they had recovered 13 cattle and thereafter, they had handed over the cattle along with the vehicle to the police.

**4.** Mr. Deuri, learned counsel for the applicants, submits that the present applicants are innocent and no way involved with the offence alleged in the FIR and that in the meantime, the investigation might have been completed and therefore, custodial interrogation of the applicants may not be required in the interest of investigation. Mr. Chutia further submits that the applicants are ready to cooperate with the investigating agency and therefore, he has contended to allow this petition.

**5.** Per-contra, Mr. Borthakur, learned Additional Public Prosecutor, producing the case diary before this Court, submits that the IO has collected sufficient incriminating materials against the applicants and some of the co-accused are yet to be arrested and therefore, he has contended to dismiss this petition.

**6.** Having heard the submission of learned Advocates of both sides, this Court

has carefully gone through the petition as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

**7.** It appears that the IO has collected sufficient incriminating materials against the applicants. Investigation is still going on and some of the co-accused are yet to be arrested and stolen cattle are also yet to be recovered and seized, and as such, it cannot be said that custodial interrogation of the applicants is not required in the interest of investigation. Their custodial interrogation seems to be indispensible in the interest of the investigation.

**8.** In that view of the matter, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same is dismissed.

**9.** Case diary be returned.

**JUDGE**

**Comparing Assistant**