GAHC010213602026

2026:GAU-AS:15106

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

Case No. : Bail Appln./2990/2026

HANIF ALI
S/O. LALCHAN ALI
R/O. RANGESWARI PAM
P.S. NAGARBERA
DISTRICT KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. B CHOWDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

07.10.2026

Heard Mr. B. Chowdhury, learned counsel for the accused and Mr. P. Borthakur, learned Additional Public Prosecutor for the State.

2. This application, under Section 483 of the BNSS, is preferred by accused, namely, **Hanif Ali**, who has been languishing in jail hazot, since 16.09.2026, in

connection with Nagarbera PS Case No. 62/2026, under Sections 317(2)/317(4)/318(4)/61(2) of the BNS, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by SI Champak Kalita, on 09.09.2026.

3.1. The essence of allegation in the FIR, dated 09.09.2026, is that acting on a tip off, regarding cyber fraud and operation of mule bank accounts, the informant and his staff had conducted a search at the residential premises of one Sahadat Alom Ahmed and during the search, a substantial quantity of banking and financial documents, passbooks, debit cards, credit cards and account opening documents, relating to different persons were recovered and seized. Thereafter, another search was conducted at the residential premises of one Rafiqul Islam and during the search of his premises, several articles like passbooks, pan cards, aadhar card, debit cards, credit cards and account opening documents, mobile phones and vehicles were seized.

4. Mr. Chowdhury, learned counsel for the accused submits that the present accused is the owner of a customer service point, situated at Tupamari Bazar and therefore, he has the possession of Passbooks, ATM Cards and Debit Cards of different persons and that the seized articles, such as Passbooks, ATM Cards, Debit Cards, etc. belong to the customers. Mr. Chowdhury further submits that the present accused was arrested on 16.09.2026 and since then he has been languishing in jail hazot and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor, by producing the case diary before this Court, submits that a sum of Rs. 7,25,850/- was recovered from his possession and he has failed to account for the same.

Mr. Borthakur further submits that investigation is still going on and as such, custodial detention of the present accused is warranted to unearth the source of the aforesaid amount and therefore, he has contended to dismiss the petition.

6. Having heard the submission of learned counsel for both the parties, 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 present accused was arrested on 16.09.2026 and since then he has been languishing in jail hazot. Further, it appears that a sum of Rs. 7,25,850/- was recovered from his possession and he has failed to give account of the same and that investigation in respect of possession of huge amount of Passbooks, Cheque Books, ATM Cards and Debit Cards is still going on and on that count, it cannot be said that custodial detention of the present accused is warranted.

8. Thus, considering the nature and gravity of the offence and punishment prescribed for the same and also considering the stage of investigation, this Court is of the view that this is not a fit case where the privilege of bail can be extended to the accused.

9. Accordingly, the petition stands dismissed.

10. The case diary be returned.

JUDGE

Comparing Assistant