GAHC010213372026

2026:GAU-AS:15178

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

Case No. : Bail Appln./3020/2026

ABDUL GAFUR
SON OF OSMAN GONI RESIDENT OF UTTAR SALMARA PART I PO
SALMARA NORTH PS ABHAYAPURI
DISTRICT BONGAIGAON ASSAM PIN 783383

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR G CHAMUAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA
ORDER

Date : 08.10.2026

Heard Mr. G. Chamuah, the learned counsel for the accused applicant. Also heard Mr. K. K. Parashar, the learned Addl. Public Prosecutor for the State.

2. This is an application under Section 483 of the BNSS, 2023 praying for grant of bail to the accused applicant, namely, *Abdul Gafur*, in connection with Abhayapuri P.S. Case No. 233/2026 registered under Sections 3(5)/3(7)/3(9)/61(2)/305/331(4)/ 112/249/307/317(4)/317(5)/324(5)/325/351(2) of BNS read with Section 11(1) of Prevention of Cruelty to Animals Act, 1960, Section 13(1)/16 of the Assam Cattle Preservation Act, 2021 and Sections 4/5/6/7/8 of the Cattle Preservation Act, 1951.

3. An FIR was lodged by one Gopinath Boro, ASI, North Salmara Police Station before the Officer-in-Charge of Abhayapuri Police Station alleging *inter alia* that on 14.09.2026 at around 08.30 am, on receipt of reliable information that a large number of stolen cattle were being illegally transported in two trucks, bearing registration Nos. AS-28-AC-2808 and AS-25-FC-4396, which were bound for slaughtering in international market, the police team apprehended the aforesaid vehicles. It is alleged that when they proceeded towards the rear side of the accused applicant, Abdul Gafur, they found the said two trucks inside an illegal saw-mill belonging to Abdul Gafur, where the cattle were being unloaded from the trucks by him on his land with other accused persons. It is alleged that on seeing the police staff, both the drivers of the trucks and some other culprits fled away from the place of occurrence. However, the aforesaid Abdul Gafur was apprehended at the spot. On checking the aforesaid two trucks, a total of 84 cattle were found loaded, 42 each in the aforesaid two vehicles. Two male cattle were found to be dead, while the remaining 82 cattle were alive. Veterinary team was also called for and on checking, they found that two cattle already died and the other cattle were tied in inhumane conditions and they were suffering. The 82 live cattle were handed over on Zimma to the concerned authority of Yashoda Gosala, Dhubri for their safe custody. It is also alleged that during preliminary investigation, the aforesaid Abdul Gafur disclosed that one Lal, owner of the two seized trucks and the two absconding drivers and some other persons were directly involved in the theft and illegal transportation of said cattle and they are a part of an organized crime syndicate, which is involved for a long time in theft, illegal transportation and smuggling of the cattle to international market and slaughtering the cattle in violation of the provisions of prevailing law. In the FIR, as per the investigation received, one Lal, Aynal Hoque and Sonowar Hussain have been specifically named and it has been stated that some other persons are also involved.

4. On receipt of the FIR, police registered Abhayapuri P.S. Case No. 233/2026 under the aforementioned section.

5. The learned counsel appearing for the accused applicant submits that the aforesaid Abdul Gafur is neither the owner of the trucks nor the cattle. In fact, on certain request, he has allowed the premises to be used for unloading the cattle and thereafter the cattle were to be loaded in different vehicles. He submits that he does not have any antecedent of this kind of offence and that he only acted on a good faith. He further submits that since the accused applicant is already behind bars for 23 days, the accused applicant should be granted bail.

6. On the other hand, the learned Addl. Public Prosecutor opposes the prayer of bail, stating that there are sufficient incriminating materials about the involvement of the aforesaid Abdul Gafur in the crime of purchasing stolen cattle and thereafter selling it to some other people. Accordingly, he opposes the prayer of the bail of the accused applicant.

7. The case diary in the instant case has been received and the same is perused.

8. This Court has also considered the submissions made by the learned counsel appearing for the respective parties.

9. Taking into account the materials available in the case diary as well as the allegations that an organized gang is involved in stealing, purchasing, transporting and slaughtering of cattle and having found *prime facie* incriminating materials about involvement of the accused applicant in the instant case, this Court is not inclined to grant any relief to the accused applicant. Accordingly, the prayer for bail stands rejected at this stage.

10. Return the case diary.

JUDGE

Comparing Assistant