GAHC010213602026

2026:GAU-AS:15106

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

Case No. : Bail Appln./2986/2026

JOHIRUL ISLAM
S/O BOKSHU PARAMANIK
R/O NO 3 TUPAMARI P S NAGERBERA DISTRICT KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK, P. KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

07.10.2026

Heard Mr. A. Paramanik, 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, **Johirul Islam**, who has been languishing in jail hazot, since 21.09.2026, 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. Paramanik, learned counsel for the accused submits that the present accused was arrested on 21.09.2026 and since then he has been languishing in jail hazot for last 16 days and that though a sum of Rs. 21,00,000/- was recovered from his possession, the same was received by him for selling a plot of land and he has relevant documents for the same. Mr. Paramanik further submits that the present accused is no way involved with the offence alleged in the FIR and 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. 21,00,000/- was recovered from his possession and he has failed to account for the same and though he has produced some documents, yet the same were found false and fabricated. Mr. Borthakur further submits that investigation is still going on and money trail is yet to be established and as such, custodial detention of the present accused is warranted in the interest of investigation

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 21.09.2026 and since then he has been languishing in jail hazot for last 16 days. Further, a sum of Rs. 21,00,000/- was recovered from the possession of the present accused, but he has failed account for the same and though he has produced some documents for the same, yet the said documents were found forged and fabricated and as such, the source of the aforesaid amount has to be inquired into. Investigation is still going on and as such, custodial detention of the present accused is warranted in the interest of investigation.

8. In view of above, 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