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2026:GAU-AS:14812

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

Case No. : AB/2392/2026

HIRAK JYOTI CHUTIA
S/O JITENDRA CHUTIA,
VILL BORGAON,
P.O.- TINSUKIA,
DISTRICT-TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P, ASSAM

Advocate for the Petitioner : MR. T CHUTIA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.10.2026

Heard Mr. T. Chutia, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Barekuri PS Case No. 05/2026, under

Section 303(2) of the BNS, read with 3(2)(b) of the Prevention of Damage of Public Property Act, read with Section 15(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, this application, under Section 482 of the BNSS, is preferred by the applicant, namely, Hirak Jyoti Chutia, 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 Inspector (Security) Oil, namely, Sikhar Bordoloi, on 15.05.2026.

3.1. The essence of allegation in the FIR, dated 15.05.2026, relates to pilferage and theft of oil property and recovery of 11 numbers of 50 ltr. gallons, filled with condensate oil total 550 ltr., 40 numbers of empty 50 ltr. gallons and one plastic pipe of about 3 meter in Denka Gaon jungle area.

4. Mr. Chutia, learned counsel for the applicant, submits that the present applicant is innocent and no way involved with the offence alleged in the FIR and that some of the co-accused have already been enlarged on bail by the learned Sessions Judge, Tinsukia. Mr. Chutia further submits that the applicant is ready to cooperate with the investigating agency and therefore, he has contended to allow this petition.

5. Per-contra, Mr. Sarma, learned Additional Public Prosecutor, producing the case diary before this Court, submits that the IO has collected sufficient incriminating materials against the applicant 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 applicant. Investigation is still going on and some of the co-accused are yet to be arrested and as such, it cannot be said that custodial interrogation of the applicant is not required in the interest of investigation. To unearth the conspiracy and to arrest the other co-accused, his custodial interrogation seems to be indispensible.

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