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2026:GAU-AS:15353

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

Case No. : Bail Appln./3054/2026

ABUL HUSSAIN
SON OF MOHABBAT ALI, RESIDENT OF VILLAGE KARAIBARI, P.S. BAIHATA CHARIALI, DISTRICT KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, P MUTTAKIN,MR. A E HUSSAIN,MR. S HAQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 12.10.2026

Heard Mr. S.M. Abdullah P, learned counsel for the accused applicant. Also heard Ms. A. Begum, learned Additional Public Prosecutor appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the accused applicant namely **Abul Hussain,** in connection with

Baihata Chariali P.S. Case No.236/2026 under Section 310(2) of BNS R/W Section 25(1-A) of the Arms Act.

3. An FIR was lodged on 22/09/2023 by one Mr. Prabin Chandra Deka, alleging that he is the proprietor of a jewellry shop, namely "Alankar Jewellers," situated at Baihata Chariali, Guwahati. On 22/09/2023, at around 8:05 PM, in the evening, after closing his shop, he went to his residence situated at Agdola on his motorcycle.

4. It is alleged that after parking the motorcycle in front of his house, he proceeded to open the main gate. While doing so, five unidentified persons came there and after showing a pistol, snatched the bag from him, which contained 400 grams of gold, 1 kg of silver, and cash amounting to Rs.60,000/-. They then fled away from the spot.

On receipt of the FIR, police registered Baihata Chariali P.S. Case No.236/2026.

5. The learned counsel for the accused applicant submits that the accused applicant is not involved in the offence as narrated in the FIR. He submits that, in fact, he was in a dental clinic at the time when the incident alleged to have happened. He submits that since the accused applicant is already behind bars for 18 days, he should be granted bail.

6. Ms. A Begum, the learned APP, on the other hand, submits that there are sufficient materials against the accused applicant in the case diary. Therefore, she opposes the prayer for bail. She submits that the items of gold and cash are yet to be recovered in the instant case, and police are investigating the matter.

Case diary has been received and the same is perused.

7. I have heard the learned counsel appearing for the respective parties.

8. Taking into consideration the submissions made by the learned counsel for the respective parties, it is important to consider the fact that the stolen goods, namely gold and the money, are yet to be recovered in the instant case, and police are still carrying out the investigation in the matter and also taking into account the materials available in the case diary, this court is not inclined to grant bail at this stage.

Accordingly, this bail application is rejected.

JUDGE

Comparing Assistant