GAHC010218052026

2026:GAU-AS:14768

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

Case No. : AB/2475/2026

HAIDAR ALI
S/O- LATE. PHIZIRUDDIN ALI R/O- LAW COLLEGE ROAD NEAR MASJID BENGENA KHOWA, GOLAGHAT PIN NO- 785621, ASSAM, INDIA.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR ASSAM.

Advocate for the Petitioner : MR I RAFIQUE, CHONBEN Z YANTHAN,MS A AFREEN,MRS S A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 05.10.2026

Heard Mr. I. Rafique, learned counsel appearing for the applicant and Ms. B. Bhuyan, learned Additional Public Prosecutor appearing for the State respondent.

2. By way of this application filed under Section 482 of the BNS, 2023, the applicant, namely, **Haidar Ali**, who is apprehending arrest, seeks anticipatory

bail in connection with **Numaligarh Rural P.S. Case No. 74/2026**, registered under Sections 316(2)/318(4)/3(5) of the BNS, read with Section 14 of the Assam Game and Betting Act, Assam, 1970.

3. The brief facts of the case are that on 11.08.2026 the complainant lodged an F.I.R. before the jurisdictional police station alleging that on 26.10.2025, a gift coupon lottery was organized in the name of Numaligarh Refinery Tanker Union, Regd. No. 2854, under the Trade Union Act, 1926, without obtaining permission from the government authorities. The matter is reflected in ECF No. MJ/184/2024-MAG-GLT/1731. It is further alleged that for conducting the said lottery, money was collected from various oil depot in Assam and other North-eastern States through tanker trucks in exchange for coupon. Several luxury vehicles and one tanker were announced as prices. However, instead of conducting the draw on specific date, the organizers allegedly postponed the date and organized the lottery on another date. The lottery was allegedly conducted in a manner that was neither transparent nor open to the public, thereby allegedly cheating and deceiving the persons who had purchased the coupons. It is further alleged that despite major financial irregularities during the previous two years tenure of the committee, the office bearers, with ulterior motives, are attempting to secretly constitute a new committee and continue their activities for another term. Accordingly, Numaligarh Rural P.S. Case No. 74/2026, under Sections 316(2)/318(4)/3(5) of the BNS, read with Section 14 of the Assam Game and Betting Act, Assam, 1970, was registered against the applicant.

4. Mr. I. Rafique, learned counsel appearing for the applicant, submits that the applicant has been falsely implicated in the present case. He further submits that the applicant shall appear before the investigating officer to

record his statement and would cooperate with the investigation.

5. Ms. B. Bhuyan, learned Additional Public Prosecutor, submits that the presence of the applicant is necessary for effective investigation of the matter.

6. I have given my anxious consideration to the submissions advanced by the learned counsel appearing for the parties and have also perused the materials available on record.

7. The object of granting anticipatory bail is to protect the liberty of an individual against unnecessary arrest while at the same time ensuring that the investigation is not hampered. While considering an application under Section 482 of the BNSS, 2023, the Court is required to strike a balance between the fundamental right to personal liberty and the interest of a fair and effective investigation. In doing so, the Court is required to consider, inter alia, the nature and gravity of the accusation, the specific role attributed to the applicant, the necessity of custodial interrogation, the stage of investigation, the likelihood of the applicant absconding or tampering with the evidence or influencing the witnesses, and his antecedents.

9. Having regard to the overall facts and circumstances of the case, the nature of the allegations, the stage of the investigation, the absence of any criminal antecedents, and the apparent absence of any compelling necessity for custodial interrogation, this Court, keeping in view the protection of personal liberty guaranteed under Article 21 of the Constitution of India, is of the considered view that the applicant has succeeded in making out a case for the grant of anticipatory bail. Needless to observe, the observations made herein are only for the purpose of deciding the present application and shall not be construed as an expression on the merits of the case during trial.

10. Accordingly, it is provided that in the event of arrest, the applicant named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of **Rs. 30,000/- (Rupees Thirty Thousand), with one surety of like amount to the satisfaction of the arresting authority**, subject to the following conditions:-

i) That the applicant shall appear before the Investigating Officer within 7 days, failing which on and from the 8th day, the pre-arrest bail order shall have no force;

ii) That the applicant shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

iii) That the applicant shall not tamper with, destroy, or alter any evidence related to this case.

iv) That the applicant shall furnish his mobile number to the investigating officer and keep the same operational during the course of the investigation.

v) That the applicant shall not leave the territorial jurisdiction of the State of Assam without informing the investigating officer until submission of the police report.

vi) That the applicants shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

11. The anticipatory bail application, accordingly, stands disposed of.

JUDGE

Comparing Assistant