GAHC010218272026

undefined

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

Case No. : Bail Appln./3117/2026

RAFIUL SHEIKH ALIAS ABIYUL HOQUE
S/O- LT. JAHANUDDIN SHEIKH, R/O- VILL- BISONDAI PT-I, P.S.- GOLAKGANJ, DIST.- DHUBRI, ASSAM, PIN783334.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR P K DAS, N J DAIMARI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 05.10.2026

Heard Mr. P.K. Das, learned counsel, appearing on behalf of the accused-applicant. Also heard Mr. D.P. Goswami, learned Addl. P.P., representing the State respondent.

2. This is an application filed under Section 483 of the BNSS, 2023, praying for

granting bail to the accused-applicant in connection with Kazigaon Police Station Case No. 60/2025, registered under Sections 61(1)(b)/132/303(2)/351(3) of the BNS, 2023, read with Sections 24(b)/25/41 of the Assam Forest Regulation, 1891, corresponding to G.R. No. 437/2025.

3. An FIR was lodged on 05.09.2025 by one Nizwam Narzary, before the Officer-in-Charge, Kazigaon Police Station, to the effect that on 04.09.2025 at about 9:30 PM, the police received secret information regarding cutting and felling of Sal trees as well as transportation of the same. On receipt of the aforesaid information, police went to the spot and apprehended one person, namely, Safikul Islam, along with his motorcycle. The other accused persons present there fled the spot, taking advantage of the darkness and the river.

4. Police arrested the accused-applicant on suspicion, as he has been found to be involved in certain cases of illegal timber smuggling earlier also.

5. On receipt of the FIR, police registered Kazigaon Police Station Case No. 60/2025, under the aforementioned sections.

6. The learned counsel appearing for the accused-applicant submits that the present accused-applicant is not involved in this case and he has been arrested merely on the basis of suspicion, which is apparent from the forwarding report dated 08.09.2026.

7. The learned Addl. P.P., on the other hand, opposing the prayer of the applicant, has submitted that his bail was rejected by the learned court below after considering the materials in the case diary.

8. This court has heard the submissions made by the learned counsel appearing

for the parties. It is seen that some of the co-accused have already been granted bail by the court below.

9. Taking into account the entire facts of the case and finding *prima facie* no material of his direct involvement in the offense, this court is of the opinion that the accused-applicant can be granted bail at this stage. Accordingly, the accused-applicant shall be released on bail on furnishing a bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount, subject to the satisfaction of the learned CJM, Kokrajhar, subject to the condition that the accused-applicant shall cooperate with the investigation and make himself available before the IO as and when required.

10. In terms of the above directions, this bail application stands disposed of.

JUDGE

Comparing Assistant