GAHC010220232026

2026:GAU-AS:14949

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

Case No. : AB/2488/2026

BHASKAR JYOTI NATH AND ANR
SON OF GHANAKANTA NATH, RESIDENT OF GHOTUA BORATI, P.O. GHOTUA, P.S. THELAMARA, DISTRICT SONITPUR, ASSAM, PIN 784149,

2: SANJIB NATH
SON OF LATE JOGEN NATH
RESIDENT OF GHOTUA BORATI
P.O. GHOTUA
P.S. THELAMARA
DISTRICT SONITPUR
ASSAM
PIN 78414

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : A K GOGOI, MR. B SINGHA,N. GUPTA,A GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

06.10.2026

1. Heard Mr. A.K. Gogoi, learned counsel appearing for the petitioners. Also heard

Mr. B. Sharma, learned APP appearing for the State of Assam.

2. By this application the petitioners have prayed for pre-arrest bail in connection with Thelamara P.S. Case No. 61 of 2026 registered under Sections 61(2)/317(2)/317(5)/3(5) of the BNS, 2023.

3. The FIR in connection with which the petitioners are apprehending arrest was lodged by the police personnel of Thelamara Police Station stating *inter alia* that upon receiving information that oil was being unloaded from an oil tanker at the parking area of Gabharu Line Hotel a search operation was conducted at the place of occurrence. During the search, four plastic drums containing approximately 400 litres of suspected diesel/crude oil were recovered. It is further stated in the FIR that the said hotel was owned by one Arabindra Nath and that upon interrogation he stated that the space was given to the petitioners for carrying out the alleged illegal activity.

4. The learned counsel appearing for the petitioners submits that the allegation made against the petitioners in the FIR is bizarre and wholly unfounded.

5. Mr. B. Sharma, learned APP however submits that admittedly oil was recovered from the place of occurrence and that the petitioners are stated to be employees of the owner of the hotel. He therefore prays for calling for the case diary in order to ascertain the complicity of the petitioners.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that the petitioners are stated to be merely employees of the owner of the hotel and were receiving salaries from the said owner and also considering that the allegation against the petitioners in the FIR appears to be prima facie bizarre, this Court is inclined to grant the privilege of pre-arrest bail to the petitioners. Accordingly, in the event of their arrest the petitioners shall be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand)

each with one local surety each of the like amount to the satisfaction of the Arresting Authority subject to the following conditions:

(i) The petitioners shall positively appear before the Investigating Officer within a period of 10 days from today and corporate with the investigation without any failure,

(ii) The petitioners shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) The petitioners shall not leave their residence without prior permission of the Investigating Officer.

7. Accordingly, this Anticipatory Bail application is disposed of.

JUDGE

Comparing Assistant