GAHC010221442026

2026:GAU-AS:16244

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

Case No. : Bail Appln./3177/2026

SHAKIB AL HASSAN
S/O- SOKMAN ALI, VILL.- NASATRA, P.S.- ABHAYAPURI, DIST.- BONGAIGAON, ASSAM.

VERSUS

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

Advocate for the Petitioner : MR. M I HUSSAIN, MUSTAFIZUR RAHMAN,MS. P AHMED,R KHA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05.11.2026

Heard Mr. M.I. Hussain, learned counsel for the accused and Mr. D.P. Goswami, learned Additional Public Prosecutor for the State respondent.

2. This petition, under Section 483, BNSS is preferred by accused, namely, Shakib Al Hassan, who has been languishing in jail hazot in connection with

Kachugaon P.S. case No. 27/2026, u/s- 303(2)/317(2)/3(5) BNS, read with Section 11 (1) (a) (b) (e) (h) of the Prevention of Cruelty to Animals Act, 1960, read with Section 13(1) of Assam Cattle Preservation Act, 2021, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Raithai Basumatary, Head Constable of Kachugaon Gurufela Police Outpost on 03.09.2026.

3.1. The essence of allegation in the FIR dated 03.09.2026, is that on 02.09.2026, at about 11:50 p.m., while the informant was performing night patrolling duty with accompanying staff of 7th AP Bn, chased one Bolero pickup vehicle, bearing registration No. AS-19C-7125, which was coming from Gossaigaon carrying cattle, as the driver refused to stop the same when signalled. Thereafter, they found the vehicle in abandoned condition near Mahamaya Mandir and the driver had fled away from the spot, and nine cattle were recovered from the vehicle and the said cattle were found to be transported illegally.

4. Mr. Hussain, the learned counsel for the accused submits that the accused was arrested on 09.09.2026, and since then, he has been languishing in jail hazot for last 58 days, and he is the owner of the vehicle. Mr. Hussain also submits that in the meantime, investigation has been completed and further custodial detention of the accused may not be required, and that the accused will face the trial and therefore, he contended to allow the petition.

5. On the other hand, Mr. Goswami, learned Additional Public Prosecutor submits that the accused has already been charge-sheeted. However, he has opposed the petition on the ground that the cattle were carried in the vehicle illegally.

6. Having heard the submissions of learned Advocates of both sides, this Court has carefully gone through the petition and the documents placed on record.

7. It appears that the accused has been arrested on 09.09.2026, and since then, he is languishing in jail hazot for last 58 days. Investigation of the case has already been completed and charge-sheet has been submitted, and now, trial will start and the accused has to prepare his defence.

8. Under the given facts and circumstances, further custodial detention of the accused seems to be not warranted and accordingly, this Court is inclined to allow this petition. It is provided that on his furnishing a bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned SDJM, Gossaigaon, the accused be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant