GAHC010224152026

2026:GAU-AS:15052

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

Case No. : AB/2528/2026

SUHEL AHMED
S/O JALAL UDDIN, R/O VILLAGE KHADIMAN, P.O. - BADARPURGHAT, P.S - BADARPUR, DISTRICT - SRIBHUMI, ASSAM, PIN - 788803.

VERSUS

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

2:THE OFFICER-IN-CHARGE
BADARPUR POLICE STATION
DISTRICT SRIBHUMI
ASSAM
PIN - 788806

Advocate for the Petitioner : MR. S K TALUKDAR, K G CHOWDHURY,MS. M PAUL,MR. J M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

07.10.2026

1. Heard Mr. S.K. Talukdar, learned counsel appearing for the petitioner. Also heard Mr. R.J. Baruah, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for pre-arrest bail in connection with Badarpur P.S. Case No. 141 of 2026 registered under Sections 329(3)/132/121(1)/221 of the BNS, 2023.

3. The FIR in connection with which the petitioner is apprehending arrest was lodged on 24.09.2026 by the police personnel of Badarpur Police Station stating *inter alia* that while execution proceedings were being carried out in connection with a case under Sections 164/165 of the BNSS, one Hifzur Rahman who is the caretaker of the premises owned by the petitioner entered the spot and raised objections to the execution proceedings. A quarrel thereafter ensued which resulted in an altercation and the said Hifzur Rahman was arrested by the police.

4. The learned counsel appearing for the petitioner submits that the petitioner is apprehending arrest more so in view of the fact that the police had visited his premises in connection with the said offence. He further submits that the land purchased by the petitioner from the second party to the execution proceedings is not involved in the said execution proceedings and that the petitioner's portion of the land is separate and distinct from the land belonging to the second party.

5. Mr. R.J. Baruah, learned APP however submits that the case diary would bring clarity to the entire matter and as such prays for calling for the same in order to ascertain the complicity of the petitioner.

6. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the fact that there is no specific allegation against

the petitioner and also that the petitioner's land is not included in the land which is the subject matter of the execution proceedings, this Court is of the view that the petitioner may be enlarged on pre-arrest bail. Accordingly, the petitioner shall be released on pre-arrest bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) with one local surety of the like amount to the satisfaction of the Arresting Authority subject to the following conditions:

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

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

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

JUDGE

Comparing Assistant