GAHC010224282026

2026:GAU-AS:14940

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

Case No. : Bail Appln./3189/2026

AVESH MOHAMMAD HANIF MEMON AND 2 ORS.
S/O HAKIMUDDIN, R/O FLAT NO. E-505, RAHAT APARTMENT, CO-OP. HOUSING SOCIETY, GAOHENI ROAD, UN. PATIYA, CHORASI, SURAT, GUJARAT 394230.

2: AFTAB MOBINBHAI SHAIKH

S/O MOBINBHAI A. SHAIKH
R/O VILL. NAYA FALIYA
VANSDAM
NAVSARI
GUJARAT 396580.

3: BARKATALI PIRALI RAIN
S/O PIRALI E. RAIN
R/O BANSDA
P.O. BANSDA
SUB-DIVISION BANSDA
DIST. NAVSARI
GUJARAT 39658

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY, MR S NOWAJ,MR. D BORA,MR. N MAHAJAN,MR. P K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

06.10.2026

1. Heard Mr. A. Chaudhury, 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 bail in connection with Howly PS Case No. 143 of 2026 registered under Sections 316(2)/318(4)/303/351(2)/352 of the BNS, 2023.

3. The FIR in connection with which the petitioners were arrested on 26.08.2026 was lodged by the informant one Jahur Uddin stating *inter alia* that the petitioners along with two others had purchased 12,800 kgs. of betel nuts which were duly delivered to them by the informant. It was however alleged that the petitioners had not paid the consideration for the said betel nuts and that when the informant demanded payment or return of the goods the petitioners threatened him with physical harm if he continued to demand the money.

4. The learned counsel appearing for the petitioners submits that the dispute is essentially civil in nature and arises out of certain business transactions between the parties. It is further submitted that the allegations of criminality made against the petitioners are concocted allegation.

5. Mr. B. Sharma, learned APP on the other hand submits by placing reliance upon the order of rejection passed by the learned trial court that the case diary had been perused and incriminating materials were found against the petitioners. He further prays for calling for the case diary.

6. Upon consideration of the submissions made by the learned counsel for the

parties, more so in view of the fact that the petitioners have been in custody for the last 41 days and also considering the fact that the FIR prima facie discloses a dispute arising out of business transactions between the parties, this Court is inclined to enlarge the petitioners 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 learned Chief Judicial Magistrate, Barpeta subject to the following conditions:

(i) The petitioners shall appear before the Investigating Officer as and when called for,

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

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

7. Accordingly, this Bail Application stands disposed of.

JUDGE

Comparing Assistant