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

Case No. : AB/2602/2026

ABDUL HAKIM SHEIKH
S/O LATE KERAMAT ALI, R/O VILLAGE KALAPAKANI PT II, P.O. PATAMARI, DISTRICT DHUBRI, ASSAM, PRESENTLY RESIDING AT VILLAGE TIAMARI PART II, P.O. AND P.S. GAURIPUR, DISTRICT DHUBRI, ASSAM, PIN 783331

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:THE INVESTIGATING OFFICER OF FALAKATA POLICE STATION
(CASE NO. 676/2026)
DISTRICT ALIPURDUAR
WEST BENGAL
PIN 735211

Advocate for the Petitioner : MR. RASHIDUL ISLAM, MR A K DAS
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

12.10.2026

Heard Mr. R. Islam, learned counsel for the petitioner. Also heard Mr. B. K. Sharma, learned Additional Public Prosecutor.

2. This petition under Section 482 BNSS is filed by the petitioner, namely, **Abdul Hakim Sheikh**, apprehending arrest in connection with **Falakata P.S.**

Case No. 676/2026 registered u/s **316(2)/318(4) of BNS.**

3. The accused/petitioner submits that one Ahad Ali Sheikh, R/o- Village Patamari Pt.-II, P.S.-Gauripur, in the District of Dhubri has been running a wholesale fish business with the partnership of one Zahidul Alom, son of Nazibur Rahman, R/o- village-Jaleswar Bill, in the District of Goalpara, Assam. The said Ahad Ali Sheikh purchases the fish from the owner of Balaji Multipurpose Fish Cold Storage, Falakata, West Bengal. The said Zahidul Alom normally makes payment of purchased fish to the SBI Bank Account of said Balaji Multipurpose fish cold storage on the strength of partnership business. The accused/petitioner is a daily wages worker of said Zahidul Alom. Sometime, said Zahidul Alom sends the copies of the receipts of payment of fish to the phone of the accused/petitioner through WatsApp to collect the money from the said Ahad Ali Sheikh. The accused/petitioner has collected some information from reliable sources that the Bank Account of the said Balaji Multipurpose fish cold storage has been frozen by the concerned authority due to suspicious activities and the said Ahad Ali Sheikh and Zahidul Alom are the suspected Accused of the aforesaid case.

4. In the case of *Priya Indoria Vs. State of Karnataka and Others reported in (2024) 4 SCC 749*, the Hon'ble Supreme Court has laid down the conditions for grant of transit bail, which is extracted herein below:-

> *93.1. Prior to passing an order of limited anticipatory bail, the investigating officer and public prosecutor who are seized of the FIR shall be issued notice on the first date of the hearing, though the Court in an appropriate case would have the discretion to grant interim anticipatory bail.*
>
> *93.2. The order of grant of limited anticipatory bail must record reasons as to why the applicant apprehends an inter-state arrest and the impact of such grant of limited anticipatory bail or interim*

protection, as the case may be, on the status of the investigation.

93.3 The jurisdiction in which the cognizance of the offence has been taken does not exclude the said offence from the scope of anticipatory bail by way of a State Amendment to Section 438 of CrPC.

93.4 The applicant for anticipatory bail must satisfy the Court regarding his inability to seek anticipatory bail from the Court which has the territorial jurisdiction to take cognizance of the offence. The grounds raised by the applicant may be –

a) a reasonable and immediate threat to life, personal liberty and bodily harm in the jurisdiction where the FIR Is registered;

b). the apprehension of violation of right to liberty or impediments owing to arbitrariness;

c). the medical status/ disability of the person seeking extra-territorial limited anticipatory ball.

94. It would be impossible to fully account for all exigent circumstances in which an order of extra territorial anticipatory ball may be imminently essential to safeguard the fundamental rights of the applicant. We reiterate that such power to grant extra-territorial anticipatory bail should be exercised in exceptional and compelling circumstances only which means where, denying transit anticipatory bail or Interim protection to enable the applicant to make an application under Section 438 of CrPC before a Court of competent jurisdiction would cause irremediable and irreversible prejudice to the applicant. The Court, while considering such an application for extraterritorial anticipatory bail, in case it deems fit may grant interim protection instead for a fixed period and direct the applicant to make an application before a Court of competent jurisdiction.

5. Upon perusal of the instant application, it is seen that no reasons have been stated as to why the applicant is unable to seek anticipatory bail from the court which has the territorial jurisdiction to take cognizance of the offence. What has been stated is that the petitioner apprehends that he may be arrested if he appears before the investigating officer of the aforesaid case.

6. Therefore, there appears to be nothing which prevented the petitioner

from approaching the jurisdictional court seeking anticipatory bail before his appearance before the IO. Therefore, the condition stipulated in *Priya Indoria (supra)* does not stand satisfied.

7. Having regard to the above, the prayer for transit anticipatory bail stands rejected.

8. Accordingly, the petition stands dismissed.

JUDGE

Comparing Assistant