GAHC010228502026

undefined

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

Case No. : Bail Appln./3280/2026

SABUL ISLAM
SON OF AJIBOR RAHMAN, VILLAGE 2 NO BAGHMOARA CHAR, PS DUDHNOI, DISTRICT GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, B DAS,MR. SAYED SALIM AHMED,MR. A M AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

11.11.2026

Heard Mr. H.R.A. Choudhury, learned Senior counsel assisted by Mr. A.M. Ahmed, learned counsel for the accused and also heard Mr. K.K. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is preferred by the accused, namely, Sabul Islam, who has been languishing in jail hazot since 25.08.2026, in connection with Dudhnoi P.S. Case No.49/2026, under Section 61(2)/126(2)/109(1)/118(1)/3(5) of BNS, 2023, read with Section 25(1)(a)/27 of the Arms Act and added Section 103(1) of BNS, 2023, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR, lodged by one Ajibor Rahman, on 24.08.2026. The essence of allegation in the FIR, dated 24.08.2026, is that the son of the informant, namely, Abu Sayed has been running a scrap godown at Damra Halikapara near Kalbazar for last 10 years and he was staying at Damra Halikapara as a tenant and on 23.08.2026, in the evening, his son along with his staff Nayeb Ali came to Damra market after closing the godown for marketing and at around 7:00 p.m., he boarded on an e-rickshaw to go home and when the e-rickshaw stopped in front of the scrap godown, an unknown person came in a motorcycle and fired three rounds of bullets on his son and fled away towards Meghalaya. His son was taken to the hospital.

4. Mr. Choudhury, learned Senior counsel for the accused submits that the accused is innocent and no way involved with the offence alleged in the FIR and the occurrence took place on account of business rivalry and the co-accused has already been granted bail by the learned Sessions Judge, Goalpara, vide order dated 04.11.2026 and the present accused is behind the bar for 78 days and his further custodial detention may not be warranted in the interest of investigation. And therefore, he has contended to allow this application.

5. Per contra, Mr. Das, learned Additional Public Prosecutor, Assam, has vehemently opposed the petition. Producing the case diary before this Court, he submits that the I.O. has collected sufficient incriminating materials against the present accused and even the victim in his dying declaration also implicated the

present accused with the offence alleged. And the victim suffered demise in the hospital and subsequently, Section 103(1) of BNS was added. And under the given facts and circumstances, Mr. Das has contended to dismiss the petition.

6. Having heard the submission of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Das, learned Additional P.P.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the present accused. The offences are serious in nature and investigation is going on. And at this stage, it cannot be said that further custodial detention of the accused is unwarranted in the interest of investigation. And accordingly, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused. And accordingly, the bail application stands dismissed.

8. Case diary be returned.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant