GAHC010228622026

2026:GAU-AS:16059

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

Case No. : Bail Appln./3274/2026

JETTEN K SANGMA AND ANR
S/O- ARENG MARAK, PRESENT R/O. VILL. 11 BAMUNI PANIKHOWA PT-II, MATIA, KRISHNAI, DIST. GOALPARA, ASSAM PERMANENT ADDRESS R/O. VILL.- RESUBELPARA, P.S.- RESUBELPARA, THAPA SEPIKOI, DIST.- NORTH GARO HILLS, MEGHALAYA.

2: DARIUSH MARAK
S/O- EPPILIN SANGMA
PRESENT R/O. VILL. - KANYAKUCHI GAON
KAHIBARI PT- I
P.S.- RANGJULI
DIST.- GOALPARA
ASSAM. PERMANENT ADDRESS R/O. VILL.- RESUBELPARA
P.S.- RESUBELPARA
THAPA SEPIKOL
DIST.- NORTH GARO HILS
MEGHALAYA

VERSUS

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

Advocate for the Petitioner : MR H R A CHOUDHURY, R KHA,MR. N ISLAM,MS. P AHMED,MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

03.11.2026

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 application, under Section 483 of the BNSS, is preferred by accused, namely, **Jetten K Sangma** and **Dariush Marak**, who have been languishing in jail hazot, in connection with **Krishnai P.S. Case No. 80/2026**, under Sections 303(2)/3(5) of the BNS, read with Section 13(1) of the Assam Cattle Preservation Act and Section 11(1)(d) of the Prevention of Cruelty to Animal Act, for granting bail.

3. Notably, the aforementioned case has been registered on the basis of one FIR lodged by SI Sona Uddin Mallik of Kirshnai Police Station, on 13.09.2026.

3.1. The essence of allegation in the FIR, dated 13.09.2026, against the present accused persons relates to smuggling of cattle in the vehicle, bearing registration No. ML-047-B-8857, to Meghalaya.

4. Mr. Hussain, learned counsel for the accused, submits that the accused were arrested on 13.09.2026 and since then they have been languishing in jail hazot for last 54 days. Mr. Hussain further submits that the offences are of 60 days offence and that the present accused persons are the driver and handyman of the seized vehicle. Mr. Hussain also submits that the cattle have already been seized along with the vehicle and the investigation, qua the present accused persons, might have been completed and under such circumstances, he has contended to allow the petition.

5. Per-contra, Mr. Goswami, learned Additional Public Prosecutor has produced the case diary before this Court and submits that some of the co-accused are yet to be arrested and that 16 numbers of cattle were recovered from the possession of the present accused persons. Mr. Goswami further submits that as per the materials collected so far in the case diary, the accused were instructed to carry the cattle in the vehicle.

6. Having heard the submissions of learned Advocates of both sides, this Court has carefully gone through the petition as well as the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused were arrested on 13.09.2026 and since then they have been languishing in jail hazot for last 54 days. Further, it appears that the present accused persons are the driver and handymen of the seized vehicle.

8. From a perusal of the case diary reveals that the IO has achieved substantial progress in the investigation of the case qua the present accused persons. Under such circumstances, this Court is of the view that their further custodial detention may not be warranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 25,000/- each only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Goalpara**, the accused persons be enlarged on bail.

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

11. The case diary be returned.

JUDGE

Comparing Assistant