GAHC010230082026

2026:GAU-AS:16093

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

Case No. : Bail Appln./3303/2026

ANWAR HUSSAIN
S/O LATE ABDUL MATLIB, R/O VILL BILBARI, PS RAMKRISHNA NAGAR,
PO ANIPUR, DIST SRIBHUMI, ASSAM, PIN 788734

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. DAIYAN HUSSAIN, MR. N AFRUZ,MR. R A MAZUMDER

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : *03.11.2026*

Heard Mr. T. J. Mahanta, learned Senior Counsel assisted by Mr. D. Hussain, learned counsel for the accused applicant. Also heard Mr. K. K. Das, learned Addl. Public Prosecutor for the State of Assam.

2. This is an application filed under Section 483 of the Bharatiya Nagarik

Suraksha Sanhita (BNSS), 2023, praying for the grant of bail to the accused applicant, in connection with Patharkandi P.S. Case No. 126/2026, registered under Sections 61(2)/127(7)/140(3)/198/309(4)/310(4) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. An FIR was lodged on 16.09.2026, before the Officer-in-Charge, Patharkandi Police Station to the effect that one Sanjib Paul appeared before the police station and reported that he had handed over an amount of Rs.25,000,000/- (Rupees Twenty-Five Lakhs) to one Sanku Deb for delivering the same amount to his business associate at Dharmanagar. At about 11:35 AM, Sanku Deb caught Silchar Agartala train from Karimganj Railway Station and arrived at Patharkandi Railway Station carrying a cash of Rs. 25,000,000/-. It is alleged that when the train arrived at the Patharkandi Railway Station, five unknown persons intercepted him and forcibly took him towards Chandkhira side in a Bolero vehicle and took away an amount of Rs.14,00,000/- (Rupees Fourteen Lakhs) out of the total cash which he had carried. It is alleged that two persons were wearing khaki dress and one person was wearing white-colored dress. It is alleged that the remaining Rs. 11, 00,000/- (Rupees Eleven Lakhs) was not taken away from him. It is alleged that Sanku Deb could not furnish the names and addresses of the miscreants, but he would be able to identify the miscreants.

4. On the basis of the FIR, police registered Patharkandi P.S. Case No. 126/2026, under the aforesaid sections.

5. The learned Senior Counsel for the accused applicant submits that the accused applicant is a Lance Naik, and he has, in fact, accompanied one Dulu

Ahmed on the direction of his superior, SI (UB) Nganthoiba Singha. He submits that being a junior officer, he had accompanied the aforesaid person on the instructions of his senior officer and had no intention, whatsoever, to indulge in any illegal activity, as alleged in the FIR. He further submits that no specific allegation has been made against him in the FIR registered in connection with the incident.

6. Learned Senior Counsel further submits that, as reflected in the arrest memo and the notice issued under Sections 47 and 48 of the BNSS, 2023, the date and time of his arrest have been shown as 2:00 p.m. on 16.09.2026 and he was produced before the learned Judicial Magistrate First Class-I, Sribhumi on 16.09.2026 at 2:00 p.m. itself. He submits that the aforesaid recording of same timing clearly indicates that the relevant documents were prepared by the police without accurately recording the actual time of arrest. He further submits that this aspect of the matter vitiates the entire arrest of the accused applicant, as the actual time of arrest has not been properly recorded. He further submits that there are certain discrepancies and irregularities in the issuance of notices under Sections 47 and 48 of the BNSS. He also submits that, being a police officer himself, there is no likelihood of his absconding or evading the process of law, and therefore, he does not pose any flight risk. He further submits that he has already been behind bars for the last 48 days, further custodial detention of the accused applicant may not be required in the instant case. In view of the aforesaid submissions, the learned Senior Counsel prays that the accused applicant should be granted bail at this stage.

7. The Case Diary has been received and the same is perused

8. Mr. Das, learned Addl. P.P., on the other hand, opposes the prayer for bail, referring to the materials available in the Case Diary, submits that the involvement of the accused applicant is apparent from the materials on record. He further submits that Rs. 1 lakh, which was allegedly given to the accused applicant by the S.I., namely, Nganthoiba Singha, has been recovered from his possession, which clearly indicates his involvement in the present case. The learned Addl. P.P. further submits that Sanku Deb, from whom the money was allegedly snatched, had, in fact, identified the accused applicant as one of the persons involved in the snatching of the said money.

9. This Court has considered the submissions made by the learned counsel appearing for the respective parties and has also perused the materials available in the Case Diary. Upon taking into consideration the materials available on record and finding sufficient *prima facie* incriminating material indicating the involvement of the accused applicant in the alleged offence, as narrated in the FIR, this Court is not inclined to grant bail to the accused applicant at this stage. Accordingly, the bail application stands rejected.

10. In view of the above, the instant bail application stands disposed of.

11. Case Diary be returned.

JUDGE

Comparing Assistant