GAHC010230982026

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

Case No. : AB/2666/2026

KHAJA MAINUDDIN AND 2 ORS.
S/O MATIBAR RAHMAN R/O OOJA GAON P.S MANGALDAI DIST-
DARRANG, ASSAM

2: KHAGEN HALOI
S/O NABIN HALOI R/O SUBANKHATA BHOGPARA
B.NC BIK P/S BARBORI DIST BAKSA
ASSAM

3: BASANTA HALOI
S/O NABIN HALOI R/O SUBANKHATA BHOGPARA
B.NC BIK P/S BARBORI DIST BAKSA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D MEDHI, MR. A HUDA,MR K THAKUR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 17.11.2026

Heard Mr. D. Medhi, learned counsel for the accused applicants. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of pre-arrest bail to the accused applicants namely, 1. Khaja Mainuddin 2. Khagen Haloi and 3. Basanta Haloi, in connection with PRC No. 286/2026 (GR No.353/2026) arising out of Boginadi P.S. Case No. 42/2026 under Sections 11(1)(a) (b)(d)(e) of the Prevention of Cruelty to Animal Act, read with Sections 13(1)/14 of the Assam Cattle Preservation Act.

3. The allegation as made in the FIR dated 29.04.2026 is that on receipt of secret information, the police went to the spot and during inspection, 22 nos. of buffalos found packed inside a vehicle.

4. On the basis of the FIR, police registered Boginadi P.S. Case No. 42/2026 under the aforementioned Sections.

5. The learned counsel for the accused applicant submits that the accused applicants have been served with 35(3) notices and they accordingly appeared and their statements recorded by the police and they have been allowed to go home after that.

6. He submits that since the charge-sheet has been filed in the matter and the investigation is complete, the accused applicants apprehend that, if they appear before the trial Court, they may be remanded to judicial custody.

7. Accordingly, he submits that since the accused applicants have cooperated with the investigation, the accused applicants should be granted anticipatory bail at this stage.

8. The learned Additional Public Prosecutor opposes the prayer of bail stating that the accused applicants have liberty to approach the trial Court for appropriate relief.

The scanned copy of the TCR has been received and the same is perused.

9. Taking into account the fact that the accused applicants had already cooperated with the investigation and they are ready to face the trial, this Court is of the considered opinion that the accused applicants should be granted anticipatory bail.

10. Accordingly, it is directed that in the event of arrest of the accused applicants named above, they shall be released on pre-arrest bail on furnishing bail bond of Rs.30,000/- each with a surety of like nature to the satisfaction of the arresting authority subject to the following conditions:-

(i) the accused applicants shall appear before the learned trial Court on the next date fixed, i.e. on 30.11.2026;

(ii) the accused applicants shall not try to hamper or tamper or induce anybody so the investigation process is misdirected or hampered.

11. In view of the above, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant