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

Case No. : Crl.Pet./1463/2026

UJJAL KALITA
S/O LATE TILAK KALITA VILL HALOWA GAON P.S. ULUONI DISTRICT - NAGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : S K PODDAR, R MANDAL,MR. R GHOSH,MS. N PODDAR,MR. C SHARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05.11.2026

Heard Mr. S.K. Poddar, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 528, read with Section 438 & 442 of the BNSS, 2023, the petitioner has prayed for setting aside/modification of the order dated 01.10.2026, passed by the learned Additional Chief Judicial Magistrate,

Tinsukia, in Doomdooma P.S. Case No. 99 of 2026, under Sections 305(a)/317(2)/317(4)/3(5) of BNS, read with Section 11 of the Prevention of Cruelty to Animals Act, 1960, read with Section 13(1) of Assam Cattle Preservation Act, 2021.

3. Notably, vide impugned order, dated 01.10.2026, the learned Additional Chief Judicial Magistrate, Tinsukia has directed to release the seized vehicle, bearing registration No. AS-01-SC-2586, in the interim custody of the petitioner on his furnishing a bank guarantee of equivalent amount of the present value of the vehicle, after imposing certain conditions.

4. Mr. Poddar, learned counsel for the petitioner, submits that the petitioner is the registered owner of the vehicle, bearing registration No. AS-01-SC-2586, and the said vehicle was seized by police, in connection with Doomdooma P.S. Case No. 99 of 2026, under Sections 305(a)/317(2)/317(4)/3(5) of BNS, read with Section 11 of the Prevention of Cruelty to Animals Act, 1960, read with Section 13(1) of Assam Cattle Preservation Act, 2021. Mr. Poddar also submits that thereafter, the petitioner had filed one application before the learned Additional Chief Judicial Magistrate, Tinsukia, seeking interim custody of the vehicle and the learned Additional Chief Judicial Magistrate, after hearing both the parties, had directed to release the vehicle on furnishing a bank guarantee of equivalent amount of the present value of the vehicle, after imposing certain conditions.

4.1. Mr. Poddar further submits that pursuant to order of this Court, dated 14.10.2026, the petitioner has filed an additional affidavit bringing on record the latest insurance certificate of the vehicle, which indicates that the value of the vehicle is Rs. 17 lakhs only, and also, vide said additional affidavit, the petitioner has brought on record the statement of his bank account, which indicates that

he has only Rs. 34,055.32/- in his account on 14.10.2026, and as such, he is not in a position to furnish the bank guarantee of Rs. 17 lakhs.

4.2. Under such circumstances, Mr. Poddar submits that the petitioner may be allowed to furnish indemnity bond, instead of the bank guarantee, as allowed by this Court in Criminal Petition No. 1010/2023 and in Criminal Petition No. 244/2025.

5. Mr. B. Sarma, learned Additional Public Prosecutor submits that since similar relief has already been granted to other similarly situated petitioners, and as such, the prayer of the petitioner may be considered in the present case also.

6. Accordingly, after hearing learned counsel for both the parties, and also considering the facts and circumstances on the record, especially the financial position of the petitioner and his inability to furnish bank guarantee of Rs. 17,00,000/-, this Court is inclined to modify the condition of furnishing bank guarantee so imposed by the learned Additional Chief Judicial Magistrate, Tinsukia.

7. It is provided that instead of furnishing bank guarantee of equivalent amount of the present value of the vehicle, the petitioner shall furnish indemnity bond of Rs. 17 Lakhs to the satisfaction of the Investigating Officer, subject however, to compliance of the other conditions imposed by the learned Additional Chief Judicial Magistrate, Tinsukia.

8. In terms of above, this criminal petition stands disposed of.

JUDGE

Comparing Assistant