GAHC010232382026

2026:GAU-AS:16206

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

Case No. : AB/2685/2026

AYUB ALI
SON OF FAKRUL ISLAM RESIDENT OF VILLAGE SUTARGAON PS DHING
DISTRICT NAGAON ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. A T SARKAR,S R DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

04.11.2026

Heard Mr. H.R.A. Choudhury, learned Senior Counsel assisted by Mr. A.T. Sarkar, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Addl. Public Prosecutor for the State.

This is an application under Section 482 of BNSS, 2023 praying for the grant of pre-arrest bail to the petitioner, namely, Ayub Ali, in connection with Howraghat Police Station Case No. 25/2026 registered under Sections 61(2)/318(4)/319(2)/ 336(3)/340(2) of Bharatiya Nyaya Sanita, 2023 read with Section 66C/66D of IT Act, 2000 and read with Section 42(6) of Telecommunication Act.

An earlier pre-arrest bail application being AB No. 2030 of 2026 filed on behalf of the present petitioner was rejected by this court by Order dated 07.09.2026.

The brief facts of the case is that one Inspector of police, Howraghat police station namely, Sunthorn Shyam lodged an FIR before the Officer-in-charge of Howraghat Police Station on 09.08.2026 stating inter-alia that the informant from reliable sources came to know that some "Point of Sale" of Howraghat region selling SIM Cards of Reliance Jio suspected to be involved in fraudulent selling of SIM Card which are used in cyber crime activities. Taking into account the same, initial enquiry was conducted by the Deputy Superintendent of Police namely, Sajidur Islam and found one such point of sale belonging to one Manoj Chanda who has sold more than 100 SIM Card in the recent past to customers belonging to Laharighat and Moirabari area under Morigaon as well as Nagaon district with the assistance of Injamul Hoque who

works with Reliance Jio and one Aayub Ali who used duplicate Biometric of Manoj Chanda to access Point of Sale (hereinafter called as POS) portal to activate new SIM Cards and coincidently these SIM cards are already reported to be involved in Cyber Crime/ Financial Fraud.

Case Diary as called for has been received.

Mr. H. R. A. Choudhury, learned Senior Counsel submits that the petitioner was an employee of the arrested accused Manoj Chanda who is the proprietor of the point of sale from which the SIM cards were issued. He has referred to paragraph Nos. 6 and 7 of the present bail application in support of his submission that due to the technicalities involved in the issuance of SIM card, the petitioner who is an employee of the owner of the POS could not have issued the SIM cards as alleged. It is further stated that the criteria for issuing SIM card has been so framed by the company to ensure safety and review is also conducted periodically. The petitioner after following all the formalities and after getting necessary information furnished by the owner of the POS used to issue SIM cards to the customers but and the allegation of tampering of fingerprints of the owner is totally false.

Per contra, learned Addl. Public Prosecutor submits that the material available in the case diary revealed the active involvement of the present petitioner in falsifying the fingerprints of the owner who is himself actively

involved in the commission of the alleged offences and the investigation has also revealed the commission of different types of cyber crime and the petitioner has been involved in preparation of duplicate artificial biometric fingerprints for the purpose of issuing SIM cards which were used for the commission of the cyber crime activities.

Having regard to the above and upon perusal of the CD and the incriminating material revealed therefrom, I am of the view that this is not a fit case for granting pre-arrest bail to the petitioner.

The prayer for pre-arrest bail stands rejected and the petition stands dismissed.

JUDGE

Comparing Assistant