GAHC010233482026

2026:GAU-AS:17011

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

Case No. : Bail Appln./3428/2026

SOHIDUR ISLAM ALIAS SOHIDUR ISLAM AND ANR
S/O KANGALIA SHEIKH R/O MONIRCHAR PS SOUTH SALMARA DISTRICT SOUTH SALMARA MANKACHAR ASSAM

2: MOHAMMAD ALI
S/O AINAL HOQUE R/O MONIRCHAR BOIDER GOAN PS SOUTH SALMARA DISTRICT SOUTH SALMARA MANKACHAR ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE,

Advocate for the Respondent : PP, ASSAM,

Linked Case : Bail Appln./3405/2026

ZOMER ALI ALIAS GODOM AND ANR
S/O- NUR MOHAMMAD
VILL- NILOKHIYA PT-III
P.S. FAKIRGANJ
DIST. DHURBI
ASSAM

2: ESMAIL HUSSAIN ALIAS MD ESMAIL HOSSAIN
S/O- LT. HAZI SAYED ALI BEPARI

R/O- CHAR MONIRCHAR P.S. FAKIRGANJ
DHUBRI
VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM.

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : Bail Appln./3415/2026

ATOWAR RAHMAN
S/O- LT. JURHAN ALI

VILL- BAHADURTARI W. NO-11
P.S. AND DIST.- DHURBI
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM.

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : Bail Appln./3467/2026

SHAHAJAHAN @ SHIRAJUDAULAH @ SAHJA HAN SK
S/O AKHEREZZAMAL
VILL- GOTABARI (KHOPATIA PT-III)
P.S.- SUKCHAR
DIST.-SOUTH SALMARA MANKACHAR
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. A Z AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : Bail Appln./3432/2026

ABUL CHAND SK
S/O- ALIMUDDIN SK
VILL- JHAGRARPAR PT-IV
P.S. AND DIST. DHUBRI
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. SURAJIT DAS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : Bail Appln./3505/2026

SAHAD ALI SK @ SAHAD ALI SHEIKH @ BORO SAHAD @ BORO SAYED
S/O- LT SUKUR ALI
R/O- VILL- N S ROAD
W/NO- 04
PS- DHUBRI
DIST- DHUBRI
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM.

Advocate for : MR S RAHMAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : Bail Appln./3474/2026

SONAB UDDIN SK
S/O- LATE NURUZ ZAMAL SK ALIAS NURJAMAL SHEIKH
R/O- VILLAGE - KUKRADANGA
P.S.- SOUTH SALMARA
DISTRICT- SOUTH SALMARA MANKACHAR
PIN-783128

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P.
ASSAM

Advocate for : MR. M A SHEIKH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case : Bail Appln./3418/2026

ZAHAN UDDIN
S/O- MUNZIL SK
VILL- BAMUNDANGA
P.S. FAKIRGANJ
DIST. DHURBI
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM.

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 16.11.2026

Heard Mr. F. Haque, learned counsel for the petitioners in Bail Appln./3428/2026; Mr. S. Rahman, learned counsel for the petitioner in Bail Appln./3505/2026; Mr. H.R.A. Choudhury, learned Senior counsel assisted by Mr. S.S. Ahmed, learned counsel for the petitioners in Bail Appln./3405/2026; Mr. H.R.A. Choudhury, learned Senior counsel assisted by Mr. S.S. Ahmed, learned counsel for the petitioner in Bail Appln./3415/2026; Mr. H.R.A. Choudhury, learned Senior counsel assisted by Mr. S.S. Ahmed, learned counsel for the petitioner in Bail Appln./3418/2026; Mr. S. Das, learned counsel for the petitioner in Bail Appln./3432/2026; Mr. A.Z. Ahmed, learned counsel for the petitioner in Bail Appln./3467/2026; and Mr. M.A. Sheikh, learned counsel for the petitioner in Bail Appln./3474/2026. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State.

2. This application has been filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, whereby the accused petitioners namely, **(i) Shohidur Islam @ Sohidur Islam (ii) Mohammad Ali (iii) Sahad Ali SK @ Sahad Ali Sheikh @ Boro Sahad @ Boro Sayed (iv) Zomer Ali @ Godom (v) Esmail Hussain @ Md. Esmail Hossain (vi) Atowar Rahman (vii) Zahan Uddin (viii) Abul Chand SK (ix) Shahajahan Shirajudaulah @ Sahjahan SK (x) Sonab Uddin Sk,** have prayed for bail in connection with Dhubri P.S. Case No. 358/2026 u/s 61(2)/148/112(2)/318(2)/328/3(5) of BNS, 2023 r/w Section 13(1) of Cattle and Preservation Act, 2021 r/w Section 11(1)(a)(d)(e) of Prevention of Cruelty to Animal Act, 1960.

3. The case was registered based on an FIR dated 11.09.2026 lodged by Inspector Pritam Das of Dhubri PS.

4. It is stated in the FIR that on 10.09.2026 information was received regarding probable location of a suspected hawala operator allegedly involved in a syndicate engaged in illegal smuggling of cattle and transporting them to Bangladesh through river routes and other modes of water transport. That, on the basis of the information, a police team proceeded to Alighat and the person was identified as Abul Chand. During the course of enquiry, cash amounting to Rs. 1,65,800/- was recovered. It was also noticed that there were some unauthorized money transfers to Bangladesh in his mobile handset, including WhatsApp communications with persons in Bangladesh allegedly involved in cattle smuggling and money laundering activities. Subsequently, during the house search of that person, a further amount of Rs. 1.5 lakhs was recovered. The person failed

to furnish a satisfactory explanation regarding the seized cash. It is stated that the transaction details and contact numbers are linked to Bangladesh and subsequent examination revealed that he was connected with a wider network involved in organized criminal activities and that he has been in contact with one Motior @ Motiwar and Forhad @ Forhat, who are Bangladeshi nationals and alleged cattle smugglers. It is alleged that subsequent investigation revealed the names of several other persons involved in similar criminal activities. It is alleged that during the course of investigation, it came to light that the accused persons had allegedly been engaged in such activities for the past 2-3 years, causing substantial economic loss to the country. These activities also involved transportation of animals under cruel and adverse conditions. It is alleged that the activities involved cross-border financial transactions prejudicial to national security.

5. The learned Senior Counsel, Mr. Choudhury, appearing for the petitioners in Bail Appln. No. 3405/2026, Bail Appln. No. 3415/2026 and Bail Appln. No. 3418/2026, submits that except for Section 147 BNS, the other penal provisions would involve a statutory period of 60 days only and that the said period is over for most of the accused persons seeking bail herein. In this context, the learned Senior Counsel submits that the ingredients of Section 147 BNS would not be attracted in the instant case.

6. The learned counsels appearing for the other petitioners have adopted the said contention of the learned Senior Counsel and have further submitted that the petitioners are already in custody for a considerable period and that their bail may be considered at this stage.

7. The case diary as called for has been received along with an extensive bail objection filed by the IO.

8. The learned Additional Public Prosecutor appearing for the State, submits and contends that active investigation is going on in the case and at this stage bail could weaken the investigation. It is also submitted that the aspect of applicability of Section 147 BNS would be a matter of trial.

9. I have perused the relevant portions of the case diary and carefully gone through the bail objection.

10. It is contended therein that the proceeds from illegal transportation of cattle through riverine routes are routed into India through hawala and crypto currency channels. It is stated that the accused persons form one interlinked chain and the investigation found identification of one accused leading to the other and that all of them constitute a chain and release of any one link at this stage could expose the entire chain to interference. It is contended by the IO that apart from the incriminating statements, there has been substantial incriminating recovery in the form of cash, electronic equipment, ATM cards, passbooks, bank documents, etc. It is also stated that the preliminary analysis of the handsets have revealed WhatsApp chats, calls, voice messages, QR codes, deleted call logs, transaction details, receipts of crypto currency, extensive contacts with Bangladeshi nationals including the FIR-named Motior @ Motiwar and Forhad @ Forhat. It is stated that investigation is at a crucial stage and that the forensic extraction of the seized handsets is pending; that crypto currency wallets and exchange accounts are yet to be identified and frozen; the properties acquired from hawala proceeds are yet to be identified. It is stated that

release of accused at this stage would create a real risk of withdrawal or transfer of the funds, closure of wallets and destruction of electronic records, which would irreparably defeat the investigation.

11. It is stated and contended by the IO in the bail objection that the FIR-named accused and foreign nationals are absconding and that the release of the arrested accused persons at this stage would enable them to alert the absconders and coordinate a common line of defence. It is contended that there is evidence about tampering with evidence, such as formatting of the handset of the accused, destruction of another handset and SIM, deleted call logs. It is also stated in the bail objection that some contacts have been found in the electronic materials which indicates linkages with Bangladesh Army and that the said aspects are also being investigated. It is stated that the investigation is trying to ascertain the linkages of the alleged offences with activities prejudicial to national security.

12. The IO in the bail objection has also narrated the specific objections with regard to the individual accused persons seeking bail herein. It is stated that accused Abul Chand Sheikh is a principal hawala distributor of the network and that his activities pose a direct threat to the economic and national security of the country as the funds which are laundered could be used to finance anti-national activities or arms and ammunition. It is stated that accused Mohammad Ali is significantly connected with two hawala operators and he is involved in activities feeding a cross-border financial network threatening economic and national security. It is stated that accused Sohidur Islam was identified by co-accused Abul Chand Sheikh and

that his handset contains WhatsApp communications and crypto currency transactions with accused Khairul Islam, whose WhatsApp number was saved under a disguised name and a false identity. With regard to the other accused persons also, the IO has specifically contended in the bail objection about the incriminating materials, concrete in nature, revealed by the investigation with regard to them.

13. The IO has contended that the investigation is at a crucial stage and significant investigation is still in progress and remains to be done. It is contended that concrete evidence has been found about destruction and concealment of digital evidence already. It is stated that the national security implications of the incriminating materials revealed by the investigation and the suspected links found with some possible contacts in the Bangladesh Army requires further investigation and verification.

14. I have perused the materials and considered the rival submissions. I have given my anxious consideration to the contentions of the IO in the bail objection.

15. Going by the penal provisions given, including Section 147 BNS, the applicable statutory period would be 90 days. As active investigation is still into progress and considering some of the incriminating materials revealed, at this stage perhaps it may not be prudent and practicable to hold that Section 147 BNS is not applicable at all, thereby shortening the statutory period to 60 days, instead of 90 days.

16. As far as the other aspects are concerned, sufficient incriminating materials have been revealed by the investigation and the serious

contentions of the IO in the bail objection has to be taken into account. The concerns and apprehensions projected by the IO and prosecution regarding prejudice to the remaining investigation in the event of bail being granted deserves due consideration.

17. Accordingly, in the given facts and circumstances, I am of the considered view that it would be better to refuse bail for the moment and allow the investigation to progress further and reach a logical end. In such a view of the matter, the bail petitions stand **rejected** at this stage.

18. Return back the case diary.

JUDGE

Comparing Assistant