GAHC010236232026

2026:GAU-AS:16192

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

Case No. : Bail Appln./3444/2026

AFZAL KHAN
SON OF LT. ABDUL GOFUR KHAN, OF RESIDENT OF BAGARGURI PAM, JAJORI, P.S. JAJORI, DIST.- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J KHATANIAR,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 04.11.2026

Heard Mr. N. J. Khataniar, learned counsel for the accused applicant. Also heard Ms. A. Begum, learned Additional Public Prosecutor appearing for the State.

2. This is an application filed under Section 483 of the BNSS, 2023 praying

for grant of bail to the accused applicant namely **Afzal Khan** in connection with Mikirbheta P.S. Case No.27/2026 under Sections 316(2)/319(2)/336(2)/340(2)/125/271 of BNS, 2023.

3. The gist of the case is that the informant, Dr. Abhijit Neog lodged an FIR alleging that the accused/applicant despite not being a qualified medical practitioner having been practicing Specialized Medicine at Sanjivani Help Care, Jan Meket, Habi Borongabari in the district of Morigaon, Assam by fraudulently using a Medical Registration, purportedly belonging to another Registered Medical Practitioner, Dr. Dweepjyoti Baishya. It is also alleged that the accused/applicant by impersonating the qualified medical practitioner and using fraudulent credentials have been treating patients and thereby exposing unsuspecting potential of the public, their health, safety and their life.

4. On receipt of the FIR, the police registered the Mikirbheta P.S. Case No.27/2026 under the aforementioned sections.

5. The learned counsel for the accused/applicant submits that the accused/applicant is having a degree to practice alternative medicines which has been duly issued to him by the authority, namely, Indian Board of Alternative Medicine. He submits that the accused/applicant has been practicing Alternative Medicine only and not involved in any practising of Allopathic Medicine. He further submits that the accused/applicant is already behind bars for last 45 days and investigation of the instant case is already been over since the police has already been filed charge-sheet in the instant case. He submits that in view of the aforesaid, the accused/applicant should be granted bail.

6. The TCR in the instant case has been received and perused the same.

However, Mr. K.K. Parasar, learned Additional Public Prosecutor appearing for the State of Assam, on the other hand, opposes the prayer for bail.

7. This Court has considered the submissions made by the learned counsel for the parties and has gone through the materials available in the TCR.

8. Taking into account the fact that charge-sheet has already been filed in the instant case as well as the fact that the length of detention of the accused/applicant is about 45 days, this Court is of the considered opinion that the accused/applicant named above should be released on bail. Accordingly, it is directed that the accused/applicant shall be released on bail on furnishing bail bond of Rs.1,00,000/- (Rupees one lakh) only with two sureties of like nature to the satisfaction of Chief Judicial Magistrate, Morigaon subject to the following conditions:-

(i) That the accused applicant shall appear before the trial Court as and when required;

(ii) the accused applicant shall not try to influence any of the witnesses that may be involved in the instant case or tamper or hamper with the trial in whatsoever manner.

9. In terms of the above, the instant Bail Application is allowed and disposed of.

JUDGE

Comparing Assistant