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2026:GAU-AS:16423

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

Case No. : AB/2728/2026

NURUL ISLAM AND 2 ORS.
S/O LALCHAN MIAH, R/O VILL- SANARTARI, P.S- TARABARI, DIST. BARPETA, ASSAM.

2: NARJINA BEGUM
D/O NAJIR ALI
R/O VILL- LOHARKHATHA
P.S- MUKALMUA
DIST.- NALBARI
ASSAM.

3: HABIBUR RAHMAN
S/O- MAJNUR ALI
R/O VILL- LOHARKATHA
P.S- MUKALMUA
DIST.- NALBARI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. A ALI, S RAHMAN,MR. R ISLAM,MR S ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 10.11.2026

Heard Mr. S. Islam, learned counsel for the applicants and Mr. R.J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Gorchuk P.S. Case No.255/26, under Section 303(2) of the BNS, 2023, read with Section 13 of Assam cattle Preservation Act, 2021, and read with Section 11 of the Prevention of Cruelty to Animal Act, 1960, this application, under Section 482, BNSS is preferred by three applicants, namely, Nurul Islam, Narjina Begum and Habibur Rahman, for grant of pre-arrest bail.

3. The aforementioned case has been registered on the basis of an FIR lodged by ASI Napur Chandra Deka of Gorchuk Police Station on 10.10.2026. The essence of allegation in the FIR dated 10.10.2026, is that on 09.10.2026, at about 08:55 a.m., a road accident took place near DY365 office on NH27, and accordingly, the informant and other police staff rushed to the place of occurrence and found that one truck, bearing registration No. AS-01-DD-1472, while proceeding from Jalukbari towards Lokhra, hit a motorcycle from behind, bearing registration No. AS-01-GS-2605. As a result, the rider of the motorcycle sustained minor injuries. After the accident, the driver of the truck fled away from the place of occurrence, and on checking the vehicle, the informant found 26 numbers of cattle loaded in the truck and 2 of them already died and 24 were alive, and that the said cattle were carried in an overcrowded, cramped and inhuman manner, without adequate space.

4. Mr. Islam, learned counsel for the applicants submits that this Court, vide order dated 16.10.2026, was pleased to extend the privilege of interim pre-arrest bail to the applicant No. 2, namely, Narjina Begum, and accordingly, the applicant No. 2 has appeared before the I.O. and her statement has also been recorded, and that she has been cooperating with the investigating agency, and as such, he has contented to make the interim order dated 16.10.2026, absolute in the same terms and conditions.

4.1. Mr. Islam also submits that the other two applicants, namely, Nurul Islam and Habibur Rahman are driver and handyman of the truck and that they are innocent and no way involved with the offence alleged in the FIR, and that they are ready to cooperate with the investigating agency and will appear before the I.O. as and when directed, and also ready to abide by any condition imposed by this Court, and therefore, it is contended to grant pre-arrest bail to them.

5. Per contra, Mr. Baruah, learned Additional Public Prosecutor has opposed the petition. By producing the case diary before this Court, he submits that the I.O. is in search of the applicant Nos. 1 and 3, namely, Nurul Islam and Habibur Rahman, respectively and they are not appearing before the I.O., and that the I.O. has collected sufficient incriminating materials against them. However, he submits that the applicant No. 2, namely, Narjina Begum has appeared before the I.O. and her statement has also been recorded.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional Public Prosecutor.

7. The case diary indicates that the applicant No. 2, Narjina Begum has

appeared before the I.O., pursuant to order of this Court dated 16.10.2026, and cooperating with the investigating agency, and as such, her custodial interrogation seems to be unwarranted in the interest of investigation. And therefore, the interim order dated 16.10.2026, qua the applicant No. 2, Narjina Begum, is hereby made absolute in the same terms and conditions.

8. Further, from the case diary, it appears that the I.O. has achieved substantial progress in the investigation of the case, and in that view of the matter, custodial interrogation of the applicant Nos. 1 and 3, namely, Nurul Islam and Habibur Rahman, respectively seems to be unwarranted in the interest of investigation, and accordingly, this Court is inclined to allow this application.

9. It is provided that in the event of arrest of the applicant Nos. 1 and 3, namely, Nurul Islam and Habibur Rahman, respectively in connection with Gorchuk P.S. Case No.255/26, under Section 303(2) of the BNS, 2023, read with Section 13 of Assam cattle Preservation Act, 2021, and read with Section 11 of the Prevention of Cruelty to Animal Act, 1960, they shall be released on pre-arrest bail on their executing a bond of Rs. 25,000/-, each, with one surety of like amount to the satisfaction of the arresting authority.

10. The above privilege is, however, subject to the following conditions:

(i) The applicants shall make themselves available for interrogation by the Investigating Officer as and when required;

(ii) The applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) The applicants shall not leave the jurisdiction of the learned C.J.M., Kamrup(M), Guwahati without prior permission.

11. In terms of above, this application stands disposed of.

12. Case diary be returned.

JUDGE

Comparing Assistant