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

Case No. : Bail Appln./3434/2026

KHAIRUL ISLAM
S/O. JIAR ALI, R/O. VILL.-TUMNI BHALUKANDI, P. S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR, ASSAM, PIN-783127

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S R ISLAM, MR. S A HAZARIKA,MR. O FARUK,MR. M. ALOM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

11.11.2026

Heard Mr. S.R. Islam, learned counsel for the accused and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is preferred by the accused, namely, Khairul Islam, who has been languishing in jail hazot since 15.09.2026, in connection with Dhubri P.S. Case No.358/2026, under Sections 61(2)/148/112(2)/318(2)/328/3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, read with Section 13(1) of the Assam Cattle Preservation Act, 2021 and Sections 11(1)(a), (d) and (e) of the Prevention of Cruelty to Animals Act, 1960, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR, lodged by one Pritam Das, Inspector of Police, Dhubri P.S., on 11.09.2026. The essence of allegation in the FIR, dated 11.09.2026, is that one Kurban Ali, Naju of Patakata, Jahanuddin and Sahajahan are involved in smuggling and illegal transportation of local cattle and such illegal activities are carried out with the other associates, namely, Atowar Rahman, Sahidur Islam, Asraful Alam, Sorhab Doctor, Suraj Zamal and Jabber Mastor and also one Abul Chaud collected money from suspected Hawala operators, namely, Choto Sayed, Hanif Ali and Akhtar Hussain along with others and they are involved with wider network in organized criminal activities and after conducting search in the hourse of Abul Chaud, a sum of Rs.1,65,800/- and subsequently, Rs.1,50,000/-, all total Rs.3,15,800/-, was recovered.

4. Mr. Islam, learned counsel for the accused submits that the accused was arrested on 15.09.2026, and since then he has been languishing in jail hazot for last 58 days and except Section 148 BNS, rest of the offences are 60 days' offence and Section 148 of the BNS, 2023 is not at all attracted here in this case and moreover, the accused is not named in the FIR and under such circumstances, he has contended to allow this application.

5. Per contra, Mr. Baruah, learned Additional P.P. has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and the offences are serious in nature and under such

circumstances, he has contended to dismiss the petition.

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

7. It appears that the accused was arrested on 15.09.2026, and since then he has been languishing in jail hazot for last 58 days. And in view of the materials collected so far against the present accused, during the course of investigation and further considering the progress of investigation qua the present accused, and also the period of detention (58 days), his further custodial detention, in the interest of investigation seems to be unwarranted here in this case. And accordingly, this Court is inclined to allow this petition.

8. It is provided that on furnishing a bond of Rs.50,000/- with one sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dhubri, the accused, namely, Khairul Islam, be enlarged on bail.

9. Case diary be returned.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant