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2026:GAU-AS:16418

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

Case No. : Bail Appln./3491/2026

FULENA GUPTA
S/O- LT. DHOOP CHAND GUPTA R/O- SUSHILA PATH, UDAY NAGAR P.S.- BASISTHA DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D MEDHI, MR K THAKUR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.11.2026

Heard Mr. D. Medhi, learned counsel for the accused and Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is preferred by the accused, namely, **Fulena Gupta**, who

has been languishing in jail hajot since 21.10.2026, in connection with Basistha P.S. Case No. 411/2026, under Sections 61(2)/338/340(2)/249(c) of BNS, 2023, read with Sections 13(2)(a)/8(1)/24(1)/22 of the Immigration and Foreign Act, 2025, 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 Jayantajit Saikia, I/C of Basistha Police Station Border Branch, on 19.10.2026.

4. The essence of allegation, in the FIR dated 19.10.2026, is that acting on a tipoff, raid was conducted by the Police Officers of Basistha Police Station, along with the In-charge, Border, at R.G. Home stay, House No. 97, Udaynagar, under Basistha Police Station, and 11 Nos. of Bangladeshi Nationals were apprehended, who had illegally entered into India.

5. Mr. Medhi, learned counsel for the accused submits that the accused was arrested on 21.10.2026, and since then, he has been languishing in jail hajot for the last 21 days. He also submits that the present accused is the owner of the Home stay, where the Bangladeshi nationals were arrested, and that the allegations against the present accused is allowing the Bangladeshi nationals to stay in his home stay, without taking proper proof of their identities.

5.1 Mr. Medhi further submits that the proof of identity has to be obtained within a period of 24 hours, and not immediately, and that immediately after the Bangladeshi nationals had entered into his home stay, the Police arrested them. He also submits that the accused is ready to cooperate with the investigating agency and under such circumstances, he has contended to allow this

application.

6. Per contra, Mr. Baruah, learned APP, has vehemently opposed the application. By producing the case diary before this Court, he submits that the I.O. has collected sufficient incriminating materials against the present accused, and that knowing fully well about the Bangladeshi nationals; he had allowed them to stay in his home stay, without taking proper documents for verifying their identities. He also submits that the offences are serious in nature and therefore, he has contended to dismiss this application.

7. Having heard the submission of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also gone through the case diary with the assistance of Mr. Baruah, learned APP.

8. Case diary indicates that the I.O. has collected sufficient materials in support of the allegations made in the FIR. But, it appears that the I.O. has achieved substantial progress in the investigation of the case, qua the present petitioner. Tshe accused is behind the bars for the last 21 days.

9. Under the given facts and circumstances, this Court is of the view that further custodial detention of the accused may not be warranted in the interest of investigation. And accordingly, this Court is inclined to allow this petition.

10. It is provided that on furnishing a bond of Rs. 50,000/-, with one surety each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), the accused shall be enlarged on bail.

11. In terms of the above, this Bail Application stands disposed of.

JUDGE

Comparing Assistant