2026:GAU-AS:16879

**THE GAUHATI HIGH COURT AT GUWAHATI**
**(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)**

**PRINCIPAL SEAT AT GUWAHATI**

**Bail Appln. No. 3549/2026**

1. **Sri. Muddasir Hussain**, S/o-Lt. Anowar Hussain, R/o-F.A. Road, Machkhowa, P.O.-Bharalumukh, P.S.-Bharalumukh, Kamrup, Assam.

……*Accused-applicant*

VERSUS

1. **The State of Assam**, represented by the Standing Counsel of CM Vigilance, Assam.

……*Respondent*

For the Applicant(s) : Mr. A.K. Bhuyan, Senior Advocate
Mr. P. Bhowmick, Advocate

For the Respondent(s) : Mr. P. Kataki, Senior Advocate/Special PP.
Mr. P. Dutta, Addl. P.P.

**BEFORE**
**HON'BLE MR. JUSTICE ANJAN MONI KALITA**

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|---|---|---|
| Date(s) of Hearing | :- | 11.11.2026 |
| Date on which judgment is reserved | :- | 11.11.2026 |
| Date of pronouncement of judgment | :- | 17.11.2026 |
| Whether the pronouncement is of the operative part of the judgment? | :- | N/A |
| Whether the full judgment has been | :- | Yes |

pronounced?

**JUDGMENT & ORDER (CAV)**

***(A.M. Kalita, J)***

Heard Mr. A.K. Bhuyan, learned Senior Counsel, assisted by Mr. P. Bhowmick, learned counsel appearing for the accused-applicant. Also heard Mr. P. Kataki, learned Senior Counsel/Special PP, assisted by Mr. P. Dutta, learned Addl. PP, CM's Special Vigilance Cell.

**2.** This is an application, under Section 483 of the BNSS, 2023, praying for grant of bail to the accused-applicant in connection with C.M. Vigilance P.S. Case No. 14/2026, registered under Sections 120(B)/403/419/420/468/471/406/409/166 of the Indian Penal Code, read with sections 13(1)(a)/13(2) & 12 of the Prevention of Corruption Act, 1988.

**3.** The gist of the case is that on the basis of a preliminary enquiry, an FIR was lodged on 02.09.2026 by SI Nipu Kalita of CM's Vigilance Cell, Assam, which is registered as CM's Vigilance PS Case No. 14/2026 on 30.05.2026, alleging that one Sri Romen Chandra Borthakur submitted a complaint petition against Sri Debeswar Borah, ACS, regarding his criminal misconduct by using his official position to illegally enrich himself. On the approval of the Hon'ble Chief Minister, Assam dated 29.08.2026, the said FIR was lodged. The FIR outlines allegations against the aforesaid Debeswar Bora for having systematically engaged in extortion, fraud, and embezzlement of government funds from 2022 to 2026. The FIR also highlights cases involving fake tender processes, illegal gratification for transfers, and the impersonation of voices of senior government officials in Assam Secretariat by a co-accused and thereby, the prime

accused, Debeswar Bora, deceived various business owners and individuals and thereby, misappropriated huge amounts of money in his official capacity.

**4.** The accused applicant is not named in the FIR, but he was arrested on 17.09.2026 in connection with the aforesaid case and was produced before the Magistrate on 18.09.2026 with the allegation that the investigation has disclosed *prima facie* material indicating the accused-applicant, while functioning as an Airtel promoter, facilitated the activation and retention of Airtel SIM cards in the names of genuine subscribers and thereafter, handed over/retained such activated SIM cards without the knowledge or consent of the registered subscribers. It is also alleged that the investigation revealed a direct link between the accused-applicant and one Sri Pranjal Daga (client/victim of Sri Debeswar Bora, prime accused) regarding SIM No. 99578-89255, which was obtained in the name of one Abdul Malik, but the same was not delivered to the registered subscriber and instead handed over to the aforesaid Pranjal Daga. The aforesaid SIM number 99578-89255 registered in the name of Abdul Malik was subsequently alleged to have been used in connection with alleged criminal activities of the prime accused, Sri Debeswar Bora, as it was handed over to Sri Pranjal Daga as per the instruction of the prime accused, Debeswar Bora. It is also alleged that one registered subscriber, Firoz Ali, who had returned the activated SIM to the accused-applicant because of network-related issues, had specifically instructed him to cancel/deactivate the connection. However, in spite of such instruction, the accused-applicant retained the said SIM card and continued to retain the associated active corporate profile.

Investigation indicates that identity documents, photographs, and KYC particulars of Firoz Ali were collected by the accused-applicant and thereafter, associated with the continued activation/use of the SIM number 97075-41366 and the investigation further disclosed link between the accused-applicant, Pranjal Daga and one co-accused Amit Swargiary and the prime accused, Debeswar Bora in relation to the SIM cards handed over by the accused-applicant. It is alleged that the SIM cards have been used in the illegal activities of prime accused, Debeswar Bora.

**5.** The accused-applicant had earlier preferred a bail application before the learned Special Judge, Assam, which was rejected vide, order dated 16.10.2026.

**6.** Mr. A.K. Bhuyan, learned Senior Counsel appearing for the accused-applicant, submits that one of the accused-applicant's customers, namely, Pranjal Daga, had approached the accused-applicant for activation of two SIM cards in the names of two of his employees. After completion of formalities and required verifications, the accused-applicant informed Pranjal Daga that his SIM cards were ready and requested him to collect the same. In the meanwhile, another customer, namely, Abdul Malik, too approached the accused-applicant for issuance of an Airtel SIM card. Accordingly, the accused-applicant, with a bona fide belief, kept the SIM card of Abdul Malik along with other SIM cards and due to an inadvertent mistake, the said SIM card of Abdul Malik was mistakenly exchanged with the SIM card intended to be handed over to Pranjal Daga. The learned Senior Counsel further states that another SIM card of Firoz Ali, which was returned to the accused-applicant for

cancellation/deactivation, was also kept with other SIM cards and mistakenly given to Pranjal Daga due to an absolute inadvertent error. The learned Senior Counsel submits that once the mistake was noticed by the accused-applicant, he contacted Pranjal Daga and his brother Naveen Daga on multiple occasions and requested them to return the SIM cards; however, the same were not returned by the aforesaid Pranjal Daga and Naveen Daga. He submits that subsequently, the accused-applicant came to know that the said SIM cards had been used for certain fraudulent activities and he immediately again contacted Pranjal Daga and Naveen Daga, but did not receive a response from them. He kept on sending repeated messages through WhatsApp to return those SIM cards; however, his requests were not responded to. The learned Senior Counsel has referred to certain WhatsApp messages relating to his communication with the aforesaid Pranjal Daga and Naveen Daga, which have been annexed to the instant bail application.

**7.** The learned Senior Counsel submits that the accused-applicant is a small-time Airtel promoter who activates SIM cards of Airtel and other companies and does customer service, and has not been involved in any illegal activities. He submits that the SIM cards were inadvertently accessed since the SIM cards were kept together, and lying within him. Those two SIM cards belonging to Abdul Malik and Firoz Ali were given to Pranjal Daga due to an absolute inadvertent error, and there was no ill intention or any illegal activity in his mind. He submits that he does not know the prime accused, Debeswar Bora. He submits that most of the Sections including the Sections under PC Act are not applicable against him. He submits that the accused-applicant not being a government

employee, Sections of PC Act are not applicable at all as there is no allegation of any illegal gratification paid by him to a government servant in the instant case. He submits that there is no allegation of any misappropriation of any money in the instant case by the accused-applicant. He submits that offences under Section 468 and 471 of the IPC have not been made out against the accused-applicant in the instant case, as the essential ingredients of a specific act of forgery committed by the accused-applicant in the instant case are lacking. He further submits that Section 471 IPC is also not involved in the instant case as the accused-applicant neither fraudulently nor dishonestly used any forged documents in the instant case. He submits that his only mistake was that he inadvertently handed over the SIM cards belonging to two other persons to Pranjal Daga and Naveen Daga. He submits that at best that can be a case of negligence, but there is no *mens rea* involved in the instant case.

**8.** The learned Senior Counsel submits that the accused-applicant was arrested on 18.09.2026 and since then, for the last 56 days, he is in judicial custody, and he has never been interrogated by the police. He submits that no police custody was sought for by the police as far as this case is concerned. He submits that there is no criminal antecedent of the accused-applicant in the instant case. He further submits that since there is no specific allegation against the accused-applicant of he being involved with the activities of the prime accused, Debeswar Bora in the instant case, taking into account his long detention of 56 days behind bars without any custodial interrogation, further custodial detention of the accused-applicant may not be required in the instant case. Therefore, he prays that bail be granted to the accused-applicant.

**9.** Mr. P. Kataki, learned Special PP, on the other hand, opposes the prayer for bail, stating that the SIM cards have been intentionally given to the aforesaid persons, namely, Pranjal Daga and Naveen Daga, by the accused-applicant, to facilitate illegal activities by the prime accused, Mr. Debeswar Bora, who was in close contact with Pranjal Daga and Naveen Daga. He submits that there is a possibility of the accused-applicant fleeing and avoiding investigation in the event of his release on bail, as he has not provided his actual original address to the investigating authority.

**10.** On a query by the Court to the learned counsel appearing for the accused-applicant, the learned Senior Counsel submits that the address provided in the bail application is the correct address of the accused-applicant, and this Court can put in any conditions as deem fit in the event this Court allows him to go on bail.

**11.** Case Diary in the instant matter has been received and the same is perused by this Court. This Court has also considered the submissions made by the learned counsel appearing for both parties.

**12.** Taking into account the alleged involvement of the accused-applicant in the instant case as well as from the materials found in the Case Diary and also taking note of the fact that the accused-applicant is behind bars for the last 56 days, this Court is of the considered opinion that the accused-applicant should be granted bail. Accordingly, it is directed that the accused-applicant shall be released on bail on furnishing of a bail bond of Rs. 50,000/- (Fifty Thousand) with two sureties of like nature to the satisfaction of the learned Special Judge, Assam, Guwahati, subject to the following conditions:

*(1) that the accused-applicant shall cooperate with the investigation and make himself available as and when called for;*

*(2) that the accused-applicant shall provide the details of his Aadhaar card, PAN card, and passport (if any) to the learned Special Judge, Assam, Guwahati;*

*(3) that the accused-applicant 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, nor shall he tamper with the evidence or influence any witness.*

**13.** In view of the aforesaid, the bail application is disposed of as allowed.

**JUDGE**

*Miriam Degu*
*(SPA)*