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

Case No. : AB/2797/2026

HAIDAR ALI AND ANR
S/O HASNAN ALI, R/O BARPETA ROAD, WARD NO 9, PO AND PS BARPETA ROAD, DIST BARPETA, ASSAM

2: FAIZ AHMED
S/O FAZAL HOQUE
R/O BARPETA ROAD
WARD NO 9
PO AND PS BARPETA ROAD
DIST BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A W AMAN, MD A RAHMAN,MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

12.11.2026

1. Heard Mr. A.W. Awan, learned counsel appearing for the petitioners. Also heard Mr. K.K. Parasar, learned APP appearing for the State of Assam.

2. By this application the petitioners have prayed for pre-arrest bail in

connection with Barpeta P.S. Case No. 68/2026 registered under Sections 316(2)/318(2)/274/271/3(5) of the BNS, 2023.

3. The FIR in connection with which the petitioners are apprehending arrest was lodged on 18.06.2026 by the Food Safety Officer stating *inter alia* that upon receiving information regarding alleged chemical adulteration of vegetables an investigation was conducted. During the course of the investigation a sample of pointed gourd (parwal) was collected and forwarded to the laboratory for chemical analysis. It was further stated that the Secretary of the Wholesale Vegetable Market had disclosed the names of the petitioners as persons allegedly involved in the said offence. The FIR further stated that as per the analysis report the said vegetable did not conform to the standards prescribed under the Food Safety and Standards Regulations and was unfit for human consumption.

4. The learned counsel appearing for the petitioners submits that the FIR does not disclose that the sample of the said vegetable was collected from the petitioners and that their names were disclosed only by the Secretary of the Wholesale Vegetable Market. He further submits that there has been a violation of Section 47 of the Food Safety and Standards Act, 2006, inasmuch as the mandatory notice required to be served upon the person from whom the food article is collected has not been issued.

5. Mr. K.K. Parashar, learned APP on the other hand submits that the petitioners are Food Business Operators and that they were found absconding during the course of investigation. He further submits that their names were disclosed by the Secretary of the market and that their complicity in the alleged offence is evident from the analysis report.

6. Upon consideration of the submissions made by the learned counsel for the parties and having regard to the fact that the FIR does not disclose that the sample of the said vegetable was collected from the petitioners or that they were involved in selling the said vegetable to customers, this Court is of the considered view that the petitioners may be granted the privilege of pre-arrest bail. Accordingly, the petitioners are hereby enlarged on pre-arrest bail subject to their furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with one local surety each of a like amount to the satisfaction of the Arresting Authority subject to the following conditions:

(i) The petitioners shall positively appear before the Investigating Officer within a period of 15 days from today and cooperate with the investigation without fail, failing which the police shall be at liberty to seek cancellation of their bail;

(ii) The petitioners shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) The petitioners shall not leave their residence without prior permission of the Investigating Officer.

7. Accordingly, this Anticipatory Bail application is disposed of.

JUDGE

Comparing Assistant