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

Case No. : Bail Appln./3652/2026

SRI SURAJ KUMAR
S/0 - MAHESH SINGH, R/O ATHGAON, P.S. BHARALUMUKH DIST - KAMRUP (M), ASSAM CONTACT NO. - 9101936704 EMAIL ID - NIL
ACCUSED IN JAIL FROM 13/09/2026

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P. ASSAM.

Advocate for the Petitioner : MR. T BHARALI, S SHAHI,MS A ROY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

12.11.2026

1. Heard Mr. T. Bharali, learned counsel appearing for the petitioner. Also heard Mr. K.K. Parasar, learned APP appearing for the State of Assam.

2. By this application the petitioner has prayed for bail in connection with Bharalumukh Police Station Case No. 161/2026 registered under Sections

305(a)/317(4) of the BNS, 2023 corresponding to PRC Case No.3225/2026.

3. The FIR in connection with which the petitioner was arrested on 13.09.2026 was lodged by a police personnel stating *inter alia* that while performing his duty, he noticed the co-accused, namely, Saddam Hussain moving around in the said area with an intention to sell two stolen mobile phones. It was further alleged that the police personnel apprehended him red-handed along with the stolen mobile phones.

4. The learned counsel appearing for the petitioner submits that the name of the petitioner did not figure in the FIR dated 09.09.2026 and that he was subsequently arrested during the course of investigation. The learned counsel further submits that the charge-sheet has been filed against the petitioner along with three other accused persons under Sections 305(a), 317(4) and 3(5) of the BNS, 2023. He submits that the petitioner has been implicated in the case and arrested merely on suspicion and on the basis of the statement made by the co-accused.

5. Mr. K.K. Parashar, learned APP on the other hand submits that one of the offences alleged against the petitioner is under Section 317(4) of the BNS, 2023 which provides for punishment extending to imprisonment for life in respect of a person who habitually receives or deals in stolen property.

6. Upon consideration of the submissions made by the learned counsel for the parties and having regard to the fact that the petitioner was implicated in the case primarily on the basis of the statement made by the co-accused, namely, Saddam Hussain coupled with the fact that the charge-sheet has already been submitted and the period of detention undergone by the petitioner, this Court is

of the considered view that the petitioner may be enlarged on bail. Accordingly, the petitioner shall be released on bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) with one local surety of a like amount to the satisfaction of the learned Judicial Magistrate First Class, Kamrup (M) subject to the following conditions:

(i) The petitioner shall appear before the Trial Court as and when called for,

(ii) The petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witnesses; and

(iii) The petitioner shall not leave his place of residence without the prior permission of the Investigating Officer.

7. Accordingly, this Bail Application stands disposed of.

JUDGE

Comparing Assistant