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

Case No. : AB/2870/2026

DILBAR ALI AND 1 ANR
S/O- NUR HUSSAIN, RESIDENT OF VILL- NAYAGAON PT-1, P.O- NAYAGAON, P,S- ABHAYAPURI, DISTRICT - BONGAIGAON, ASSAM.

2: BILLAL SHEIKH
S/O - LT. ABDUL ALI SHEIKH
RESIDENT OF VILLAGE-GORAIMARI
P.S - JOGIGHOPA
DISTRICT- BONGAIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A K AZAD, MR N JAMAL,MR. I HUSSAIN,MR A K KHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 20.11.2026

Heard Mr. AK Azad, learned Counsel for the petitioners and Ms. A. Begum, learned Additional Public Prosecutor for the State.

2. By this application, the petitioners have prayed for pre arrest bail in connection with Abhayapuri PS Case No. 275/2026 registered under Section 112(2)/ 61(2)/ 318(4)/ 62/ 336(3)/ 338/ 340(2)/ 317(4)/ 3(5) of BNS, 2023. The FIR in connection with which the petitioners are apprehending arrest was lodged by the police personnel stating inter alia that on an information of organized fake gold cheating and forgery, naka checking was conducted at a particular place and the petitioners along with another were intercepted and from the other person, fake gold as well as other articles were found from him. As far as petitioners are concerned, it is stated in the FIR that seeing the police, they fled from spot.

3. The learned Counsel for the petitioners submits that the offence of cheating is not meted out in the said case. He also submits that the petitioners are not involved if at all any offence is committed.

4. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor for the State submits that fake gold was recovered from the co-accused and that the petitioners have fled from the spot upon seeing the police.

5. Upon considerations of the submissions made by the learned Counsels for the parties, more so in view of the fact that no specific allegation is made that the co-accused had tried to sell the article that was recovered from him to any person faking the same as gold and also due to the fact that no specific

allegation is made against the petitioners, this Court deems it fit to enlarge the petitioners on pre arrest bail on furnishing of bail bond of Rs. 20,000/- each with one local surety each of the like amount to the satisfaction of the Arresting Authority under the following conditions:

i) the petitioners will appear before the Investigating Officer within 15 days from the date of the order and will appear before the Investigating Officer as and when called for.

ii) the petitioners will not hamper, tamper with the evidence, neither influence the witnesses connected with the case.

iii) the petitioners will not leave the place of jurisdiction without the permission of the Arresting Authority.

6. Petition is disposed of.

JUDGE

Comparing Assistant