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

Case No. : Bail Appln./3620/2026

MONISANKAR TALUKDAR
S/O- KALYAN TALUKDAR, R/O- JANAKPUR, LILABARI, PS NORTH LAKHIMPUR, LAKHIMPUR, ASSAM

2: BITUL BORAH
S/O- BODON BORAH
R/O- JANAKPUR
LILABARI
PS NORTH LAKHIMPUR
LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : NIMISH MAHAJAN, MR. D BORA,MR. P K DAS,MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE ANJAN MONI KALITA

19.11.2026

Heard Mr. A. Chaudhury, learned counsel appearing for the accused applicants and also heard Ms. A. Begum, learned Addl. PP for the State of

Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the accused applicants in connection with North Lakhimpur P.S. Case No. 322/2026 registered under Section 305 (c)/317(2)/61(2) of BNS, 2023 read with Section 23 (1) (a) of the Petroleum Act, 1934 as well as read with Section 7 of the Essential Commodities Act, 1955**.**

3. The facts as can be found from the FIR are that the accused applicants were involved in storing petroleum products in the premises of the accused applicant No. 1. It is alleged that the accused applicants along with 2 (two) other co-accused persons have been found transporting and stealing petroleum products from a oil tanker inside the premises of the accused applicant No. 1.

4. On the basis of the FIR, the Police registered North Lakhimpur P.S. Case No. 322/2026 under the aforementioned sections.

5. Case Diary in the instant case has been received.

6. The learned counsel appearing for the accused applicants submits that the accused applicants are behind bars for the last 45 days and they have been accused under the offences which are punishable up-to 7 years only. He further submits that the sections invoked under the Petroleum Act, 1934 as well as the Essential Commodities Act, 1955 are bailable

offences. He submits that the oil as well as the Tanker were already seized by the Police and therefore, further custodial detention of the accused applicants may not be required for the purpose of investigation in the instant case.

7. Ms. A. Begum, learned Addl. PP, on the other hand, opposes the bail prayer of the accused applicant stating that the stolen goods were found from the premises of the accused applicant No. 1 and their involvement in the instant case prima facie established.

8. This Court has considered the materials available in the Case Diary and has also considered the submissions made by the learned counsel appearing for the respective parties.

9. Taking into account of the fact that the maximum punishment under which the accused applicants have been charged are below 7 years and nothing to show that Section 35 (3) notices were served upon the accused applicants in the instant case and also taking note of the fact that the accused applicants are behind bars for the last 45 days, the accused applicants should be released on bail. Accordingly, it is directed that the accused applicants, namely, (i) ***Monisankar Talukdar and*** (ii) ***Bitul Borah*** shall be released on bail on furnishing a bail bond of Rs.50,000/- each with a surety of like nature to the satisfaction of the learned CJM, Lakhimpur, North Lakhimpur subject to the following conditions:

> ***(i) that the accused applicants shall cooperate with the investigation;***

(ii) that the accused applicant shall appear before the Investigating Authority as and when called for; and

(iii) that the accused applicant shall not, directly or indirectly, make any attempt to influence the witnesses or tamper with evidence or induce any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Police or the Court.

10. In terms of the aforesaid directions, this Bail Application stands disposed of, as allowed.

JUDGE

Comparing Assistant