

GAHC010271902025



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

Case No. : Bail Appln./4003/2025

MOINUL HOQUE ALIAS LAW AND ANR
S/O LATE TOGRU SK, R/O MATIRCHAR, CHAGOLCHARA PART I, PS AND
DIST DHUBRI, ASSAM, PIN 783324

2: ZILANI SK ALIAS ABDUL KADER ZILANI
S/O LATE KASEM ALI
R/O VILL GELARPAR
BERBHALA PT I
PS DHUBRI
DIST DHUBRI
ASSAM
PIN 78332

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. SANU HUSSAIN, MS J A RAHMAN, MR K THAKUR, MS P
BARMAN, MR. K SEMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

19.01.2026

Heard Mr. S. Hussain, learned counsel for the petitioner. Also heard Ms. S. H. Borah, learned Additional Public Prosecutor, Assam.

By this application, filed under Section 483 of the BNSS, 2023, the petitioners, namely, (1) Moinul Hoque @ Law and (2) Zilani Sk @ Abdul Kader Zilani, have prayed for release on bail, who are in custody in connection with Special Case No. 34/2025 arising out of Golakganj P.S. Case No. 240/2024 pending in the court of the learned Special Judge-cum-Additional District & Sessions Judge, Dhubri.

Ms. Borah has submitted that since charge sheet has been filed, scanned copy of the trial court's records should be called for. Further, Ms. Borah has pointed out that commercial quantity of narcotic drugs were recovered from the petitioners.

The learned counsel for the petitioners has submitted that both the petitioners were shown as absconders in the charge sheet. But when the petitioner no. 1 Moinul Hoque @ Law came to know about the same fact he voluntarily appeared before the trial court. The trial court refused the prayer for bail of the petitioner no. 1 on the ground that during investigation, he did not cooperate with the Police.

The petitioners have submitted that they are interested in facing the trial and to contest the case.

I have considered the submission made by the learned counsel for both the sides. Since the petitioner no. 1 Moinul Hoque @ Law voluntarily appeared before the trial court, he deserves to be given opportunity to contest the case. Hence, the prayer for bail of the petitioner no. 1 Moinul Hoque @ Law is allowed.

Further, considering entire aspect of the matter, the prayer for bail made by the petitioner no. 2 Zilani Sk @ Abdul Kader Zilani is rejected, who has been shown as absconder in the charge sheet.

Accordingly, it is hereby directed that the petitioner no. 1 Moinul Hoque @ Law, who is in custody in connection with Special Case No. 34/2025 arising out of Golakganj P.S. Case No. 240/2024 pending in the court of the learned Special Judge-cum-Additional District & Sessions Judge, Dhubri, shall be released on bail of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Special Judge, Dhubri.

It is further directed that the petitioner no. 1 Moinul Hoque @ Law shall appear before the trial court on each and every date during the trial and if the petitioner no. 1 fails to appear on the dates fixed by the trial court, then the trial court shall have the liberty to procure his attendance by following due process of law.

With the above, the bail application is disposed of.

JUDGE

Comparing Assistant