

GAHC010025492026



2026:GAU-AS:2725

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

Case No. : AB/301/2026

AFSAR ALI
S/O. AKKAS ALI, R/O. KHATANIAPARA, P.O. DHULA, P.S. DHULA, DIST-
DARRANG, ASSAM. PIN- 784146.
MOB. NO. 8402017052

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR A K AHMED, MS P KAKATI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 23-02-2026

1. Heard A. K. Ahmed, learned counsel for the accused applicant. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of BNSs, 2023 praying for granting pre-arrest bail to the accused applicant, namely, Afsar Ali in connection with Baihata Chariali P.S. Case No. 306/2025 registered under Sections 303(2)/317(2)/61(2)/132/109/125 of BNS, 2023 read with Section 13 (1) of the Assam Cattle Preservation Act, 2021 read with Sections 11(1)(a)/11(1)(d) of the Prevention of Cruelty to Animals Act, 1960.

3. The brief facts of the case are that the informant, attached to Baihata Chariali Police Station, lodged an FIR on 22.12.2025 stating, inter alia, that while he, along with his staff, was conducting patrol duty at Dumnichowki Bridge, they intercepted a truck bearing Registration No. AS-25 CC-4819. The said truck, which was proceeding towards Barnihat from the Dhola side, was found loaded with 34 cattle (29 alive and 5 dead) without valid documents. It is alleged that the said truck was being escorted by a Scorpio vehicle bearing Registration No. AS-01 FS-5102. On noticing the police presence, both vehicles allegedly attempted to flee from the spot. However, the police managed to detain the truck at Dumnichowki Bridge, while the Scorpio vehicle fled from the place of occurrence. It is further alleged that the truck was being driven by one Mainudin and Pankaj Das, and the Scorpio vehicle was driven by one Aftab Hussain and Babu @ Matibur Rahman. During the interception, the Scorpio vehicle allegedly attempted to crash into the police vehicle while trying to

escape. Upon search of the detained truck, the police recovered 34 cattle kept in very poor condition. On receipt of the FIR, the police registered Baihata Chariali P.S. Case No. 306/2025 under the relevant sections of law. The accused/applicant was arrested on 08.01.2026 and has been in judicial custody for the last 30 days.

4. The learned counsel for the accused applicant submits that the accused applicant is the owner of the cattle that have been seized by the police. He submits that he had purchased those cattle for his personal use and have all the documents of such purchase. He further submits that the cattle have already been given Zimma by the appropriated Court after verification of the documents.

5. In view of the aforesaid, he submits that the accused applicant, being the owner of the cattle, is apprehending arrest and therefore, the present anticipatory bail application has been filed.

6. Mr. K. Baishya, learned APP, on the other hand, submits that there are sufficient incriminating materials against the accused applicant indicating his involvement in such kind of smuggling activities. He further submits that there was no permit was obtained by the accused applicant for transporting the cattle and that the cattle were transported in a very inhuman condition, as a result of

which five (5) cattle had already died when cattle were intercepted by the police. Therefore, he submits that, at this stage, the accused applicant should not be granted any protection by this Court.

7. This Court has heard the submissions made by the learned counsel appearing for the respective parties. The Assam Cattle Preservation Rules, 2022, specifically provide under Rule 6 that any person, agency, or firm intending to transport or cause to be transported any animal, specified in the Schedule of the Act for bona fide agricultural and animal husbandry purposes, as mentioned under Sub-section (4) of Section 7 of the Act, shall make an application to the competent authority as appointed by the State Government for the purpose, in terms of Sub-section (8) of Section 7 of the Act, in the prescribed form appended to the said Rules.

8. It is also provided under the Rule that any interstate permit issued by the competent authority shall mention the designated entry and exit points as notified by the State Government, and the cattle intended to be brought in/out on the basis of such permit shall be transported only through the mentioned designated entry and exit points. Section 7 of the Assam Cattle Preservation Act, 2021 also provides that for any kind of transportation of cattle, without permission of the competent authority, no cattle shall be transported other than

the provisions laid down in the instant case. No material has been brought before this Court to show that any permit under Rule 6 of the aforesaid Assam Cattle Preservation Rules 2022 was taken by the owner of the cattle, i.e., the accused applicant. Taking into the aforesaid fact of violation of the Assam Cattle Preservation Act and the Rules 2021 and the rules made there under, this Court is of the considered opinion that the accused applicant should not be granted any relief at this stage by way of any protection on the pre-arrest bail.

9. In view of the aforesaid, the instant AB application is rejected.

JUDGE

Comparing Assistant