

GAHC010036352026



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

Case No. : AB/427/2026

ISAB ALI
S/O JOINAL ABDIN, R/O BHOMORAGURI, P.O. RANGAGARAH, SAMAGURI,
DIST. NAGAON, PIN 782140, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR. S C BISWAS, MS. S. CHANDA,MS. U NANDA,MS. K L R
YANTHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : --05.03.2026

Heard Mr. S.C. Biswas, the learned counsel for the petitioner. Also heard Mr. P. Borthakur, the learned Additional Public Prosecutor appearing on behalf of State respondent.

2. This is an application u/s 482 of Bharatiya Nagarik Suraksha Sanhita

(BNSS), 2023 for granting pre-arrest bail to the accused/petitioner in connection with Gorchuk P.S. Case No. 17/2026 u/s 306/317(2) of Bharatiya Nyaya Sanhita (BNS), 2023.

3. It is submitted by Mr. Biswas that the present accused/petitioner is innocent and he is not at all involved in the alleged offence. Further from the FIR itself it is seen that the entire allegation is brought against one driver, namely, Nazirul Islam who alleged to have converted the bitumen to water in the said drums and probably brought to Arunachal Pradesh. The present petitioner is a daily labourer and he is from Samaguri and no way connected in the alleged offence. But, as he received Notice from the police u/s 35(3) and 36(5) BNSS, has apprehension of arrest in connection with the case and hence prayed for some interim protection to the present petitioner, so that he may appear before the I/O and cooperate in the investigation.

4. Mr. Borthakur, the learned Additional Public Prosecutor submitted in this regard that if he is a daily labourer, there may not be any reason for apprehension of arrest in connection with the case and submitted that Case Diary will reveal the actual fact of the case, vis-à-vis the involvement of the present petitioner and accordingly he insisted to call for the Case Diary.

5. Considering the submissions made by the learned counsel for both sides and other aspects of the case, I find that some interim protection may be provided to the petitioner, so that he may appear before the I/O and cooperate in the investigation.

6. Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Isab Ali in connection with Gorchuk P.S. Case No.

17/2026 u/s 306/317(2) of Bharatiya Nyaya Sanhita (BNS), 2023, he shall be enlarged on pre-arrest bail on their executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer within 7(seven) days.
- (ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. case; and
- (iii) that the petitioner shall not, directly or indirectly, make any inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

In the meantime, call for the Case Diary.

List the matter again on **24.03.2026.**

JUDGE

Comparing Assistant