

GAHC010036352026



2026:GAU-AS:4221

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 : 24-03-2026

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 filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for granting pre-arrest bail to the petitioner, namely, **Isab Ali** in connection with Gorchuk P.S. Case No. 17/2026 under Sections 306/317(2) of BNS, 2023.

3. Case Diary received. Perused the same.

4. Mr. Biswas, the learned counsel for the petitioner submitted in this regard that the petitioner is innocent and he is only working as a labour. He is no way connected in the alleged offence. Rather, the driver of the vehicle also admitted regarding the theft of the bitumen. But, as the petitioner received Notices u/s 35(3) & 36 BNSS, he prayed for anticipatory bail. However, after obtaining the order of interim pre-arrest bail, he appeared before the I/O and cooperated in the investigation of this case.

5. Mr. Borthakur, the learned Additional Public Prosecutor submitted in this regard that from the materials available in the Case Diary as well as from the statement made by the present petitioner and the co-accused/person, it is seen that he is not a labor but the owner of a godown, wherein he used to receive the stolen bitumen and for which the Section 317(2) BNS is also registered in the present case. The case is still under investigation. However, it is submitted by Mr. Borthakur that the petitioner appeared before the I/O and cooperated in the investigation of this case.

6. Hearing the submissions made by learned counsel for both sides, the materials available in the case record and the conduct of the accused/petitioner, I find that custodial interrogation may not be required at his stage for the purpose of investigation. Accordingly, the order of interim pre-arrest bail granted

to the petitioner on 05.03.2026 is hereby made absolute with same terms & conditions.

7. With the above observations, the pre-arrest bail application stands disposed of.

JUDGE

Comparing Assistant