

GAHC010045622026



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

Case No. : AB/535/2026

MUKTAR HUSSAIN
S/O JAINAL ABDIN
R/O BAGDIA
P.S. DHULA
DIST. DARRANG, ASSAM
PIN-784190.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. I U CHOWDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 21.04.2026

Heard Mr. H.R.A. Choudhury, learned Senior Counsel, assisted by Mr. I. U. Choudhury, learned counsel for the accused-applicant. Also heard Mr. K. K. Parasar, learned Addl. Public Prosecutor appearing for the State respondent.

2. This is an application under section 482 of the BNSS, 2023, praying for grant of pre-arrest bail to the accused-applicant in connection with Borpathar P.S. Case No. 24/2025, registered under Sections 317(2)/275(2)/303(2) BNS, 2023, read with Section 51/59 of the Food Safety and Standard Act, 2006.
3. The allegation as narrated in the FIR dated 15.11.2025 is that the said truck owned by the accused-applicant was used for smuggling 4385.05 Kgs of Areca nuts (Supari), packed in 129 bags. The police recovered and seized the Areca nuts (Supari) along with the vehicle.
4. The police arrested the driver and the handyman of the said vehicle. The driver of the vehicle stated before the police that the vehicle is owned by the accused-applicant. The learned Senior Counsel, appearing for the accused-applicant, submits that the accused-applicant had rented out the vehicle under a rent agreement dated 17.10.2025, on a monthly rent of Rs. 80,000/- (Rupees Eighty Thousand only). He, therefore, submits that the accused-applicant is not aware of how the vehicle has been used by the other party, i.e., Sanidul Akhtar, after taking the vehicle on rent. He submits that the accused-applicant is totally unaware of any illegal activities that have been carried out by the aforesaid Sanidul Akhtar after taking the vehicle on rent. Accordingly, he submits that since the accused-applicant is no way linked to the offence so allegedly committed, he should be allowed to go on pre-arrest bail.
5. The updated Case Diary, relating to the case, has been produced before this court and the same is perused.
6. On perusal of the Case Diary, it is seen that there is a partition in the storage space of the truck which cannot be stated to be a secret chamber. It is also seen from the statements made before the police by the handyman and driver that the partition in the storage space preexisted and the same existed when the rent

agreement was executed between the accused-applicant and the aforesaid Sanidul Akhtar.

7. The accused-applicant had earlier approached this Court for anticipatory bail by filing an anticipatory bail application, i.e., AB No. 188/2026, which was rejected by this Court on 20.02.2026.

8. The learned Addl. P.P., opposes the bail to the accused-applicant.

9. On perusal of the Case Diary and taking into account the entire facts of the case, this Court is of the considered opinion that this is a fit case wherein, the accused-applicant shall be granted the privilege of pre-arrest bail. Accordingly, it is directed that in the event of arrest of the accused-applicant in connection with the aforementioned case, he shall be released on bail on furnishing a bail bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions: -

i. The accused-applicant shall appear before the Investigating Officer within 10(ten) days of passing of the instant order.

ii. The accused-applicant shall cooperate with the investigation and make himself available as and when required by the Investigating Officer.

iii. The accused-applicant shall not try to influence any witness that may be connected with the instant case.

10. In terms of the aforesaid order, the instant anticipatory bail application is disposed of as allowed.

11. Case Diary to be sent back immediately.

JUDGE

Comparing Assistant