

GAHC010051642026



2026:GAU-AS:4928

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

Case No. : AB/561/2026

ASMAT ALI
S/O- KALIMUDDIN SHEIKH RESIDENT OF VILLAGE KAWATIKA, PS- BIJNI
DIST- CHIRANG, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A K AZAD, MR N JAMAL, MR. I HUSSAIN, MR A K KHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

02.04.2026

Heard Mr. A.K. Azad, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. The scanned copy of the TCR has been received.
3. The petitioner preferred this bail application under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for granting pre arrest bail to the petitioner in connection with PRC Case No. 135/2025 under Sections 316(3),

324(2) and 61(2) of the BNS, 2023, arising out of Maibong P.S. Case No. 14/2025 under Sections 3(5), 316(3), 318(4), 324(2) and 61(2) of the BNS, 2023, which in turn arose from Gorchuk P.S. Case No. 151/2025 and was subsequently transferred to Maibong Police Station on the ground that the alleged place of occurrence falls under the jurisdiction of the said police station.

4. The FIR has been lodged by one Akash Dutta, Authorized Representative of M/s Sugam Parivahan Pvt. Ltd., alleging that the petitioner, being the owner/driver of vehicle No. AS01SC6078, in connivance with broker Raj Bharve, misappropriated goods valued at Rs. 17,14,055/- and fabricated an accident. The Maibong police after receiving the same registered a case vide Maibong PS Case No. 14/2025 under section 3(5)/316 (3)/318(4)/324(2)/61(2) BNS, 2023 against the present petitioner.

5. It is submitted that the charge-sheet has been submitted on 30.09.2025 under Sections 316(3)/324(2)/61(2) of the BNS, 2023 and a perusal of the same would show that the case is based on documentary evidence, such as copy of agreement, chalan, toll plaza photographs, mobile call records, etc and does not disclose any direct evidence to establish any dishonest intention or misappropriation on the part of the petitioner.

6. It is submitted that the truck was found in a gorge with goods spilling over and the IO has mechanically submitted the charge-sheet without any evidence. It is further submitted that no notice under section 35 of the BNSS was issued to the petitioner and the charge-sheet was submitted showing him as an absconder. It is the case of the petitioner that after the vehicle developed trouble he had informed the transport company and the concerned persons about the exact GPS location of the parked vehicle and in the subsequent discovery of the vehicle in an accidental condition and disappearance of most of

the goods strongly indicate that the offence if any has been committed by unknown persons and the petitioner has been falsely implicated in the present case.

7. It is submitted that the petitioner is himself the owner of the truck which he purchased with bank loans at a cost of Rs. 40 lakhs and he definitely would not abandon the said truck in such a condition for the purpose of stealing the goods worth Rs. 17 lakhs and which would be worth much less if the same are sought to be sold.

8. The learned Additional PP on the other hand submits that the story of the petitioner appears to be unconvincing.

9. Having regard to the fact that the charge-sheet has been submitted and investigation of the case is over and also having regard to the fact that the IO did not issue any notice to the petitioner under Section 35 of the BNSS although the alleged offence is punishable by up to 7 years of imprisonment, I am of the view that at this stage it may not be necessary to take the petitioner into custody. Consequently, the prayer for pre-arrest bail is allowed. The petitioner, namely Asmat Ali, shall be released on pre-arrest bail in the event of his arrest in connection with the aforesaid case, upon furnishing a bond of Rs. 50,000/- with two sureties of the like amount to the satisfaction of the arresting authority, subject to the condition that the petitioner shall regularly appear at trial and shall not tamper with the evidence or influence the witnesses in any manner.

10. This anticipatory bail petition stands disposed of accordingly.

JUDGE

Comparing Assistant