

GAHC010063562026



2026:GAU-AS:4850

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

Case No. : AB/700/2026

MD KHAIRUL ISLAM
S/O HASEN ALI R/O- VILL-2 NO. ISLAMPUR P.S.- BIHPURIA DIST-
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P, ASSAM

Advocate for the Petitioner : MR. T CHUTIA, MS S NASRAT

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA
ORDER

02.04.2026

Heard Mr. T. Chutia, learned counsel for the petitioner. Also heard Mr. M.P Goswami, learned Addl. PP for the State of Assam.

2. This is an application filed under Section 482 of BNSS, 2023 praying

for granting of pre-arrest bail to the petitioner.

3. An FIR was lodged before the Officer-In-charge, Bihpuria Police Station by one Dibya Jty. Rajbongshi of Bongalmara O.P. alleging inter alia that information was received that one Goods carrier container vehicle bearing regd. No. NL-07AA-5964 was loaded with some stolen cattle and parked at the home of Hasen Ali, S/o Sultan Ali, Vill-No. 2 Islampur and his son Kairul Islam is illegally smuggling cattle to other place and accordingly, the General Diary entry no-435, dated-22-02-2026 has been made and it has been informed to the higher authority and informant along with staff composed of LNK (UB) Swapon Kr. Mandal, LNK(AB) Bhuban Bora, LNK(AB) Son Kr. Deuri, WHG Rehman Sultana proceed in the departmentally detailed vehicle AS-07 X 2616 which was driven by HG Munindra Bora and informant arrived at the No. 2 Islampur and found the Goods Carrier Container vehicle bearing Regd. No. NL-07 A5964 parked in front of the house of Hasen Ali, Vill-No 2 Islampur which loaded with 57 cattle when counted it and on next day when informant alongwith with staff proceed to the same place of occurrence i.e., home of Hasen Ali found only 37 cattle hence, informant searched the cattle here and there and recovered the 20 cattle and seized the same and the container in presence of witnesses. The said FIR was registered as Bihpuria P.S. Case No. 30/2026, U/S 303(2) BNS and Sec. 11(1)(a) Prevention of Cruelty to Animal Act, and R/W sec 13(1) of Assam Cattle Preservation Act.

4. The learned counsel for the petitioner has taken to court through the Order dated 05.03.2026, passed by the learned CJM , S. Lakhimpur in J.R No. 167/2026 pertaining to Bihpuria P.S Case No. 30/2026.

5. It appears that as per record of the I.O 41 Nos. of cattle was purchased by one **Anisur Jaman**, and the remaining 16 Nos. of cattle were purchased by one **Atabur Rahman**, and after going through the report of the I.O and enclosed documents, the said cattle were given in zimma of the aforesaid two persons vide the aforesaid order.

6. Therefore, the only allegation against the present petitioner is that the aforesaid cattle which apparently were legally purchased were found in front of the house of the present petitioner.

7. Having regard to the above, it appears that prima facie the provisions of the Assam Cattle Preservation Act, Section 303, BNS r/w Section 11(1) (a) of the Prevention of Cruelty to Animal Act are not attracted.

8. Having regard to the above, the prayer for bail is allowed.

9. The petitioner shall be released on bail with a bail bond of Rs. 50,000/- with two sureties of the like amount to the satisfaction of the arresting authority in connection with Bihpuria P.S Case No. 30/2026.

10. The petition stands allowed accordingly.

JUDGE

Comparing Assistant