

GAHC010176582025



2026:GAU-AS:3899

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

Case No. : AB/1908/2025

RANJIT BISWAS AND ANR
S/O LT SUDHIR RANJAN BISWAS R/O VILL RAMNAGAR PT 1 PO
BHALUKMARI PS LANKA DIST HOJAI ASSAM PIN 782442

2: CHANDAN DAS
S/O NANI GOPAL DAS R/O VILL AJARBARI PO AJARBARI PS LANKA DIST
HOJAI ASSAM PIN 78244

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. P K ROYCHOUDHURY, MR. JUNM LASKAR, MS. J GHOSH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 18-03-2026

Heard Mr. P.K. Roychoudhury, the learned counsel for the petitioners. 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 petitioners, namely, **[1] Ranjit Biswas and [2] Chandan Das** in connection with Hojai P.S. Case No. 65/2025 u/s 318(4)/316(2) of Bharatiya Nyaya Sanhita, 2023 added Section 316(5)/61(2) of Bharatiya Nyaya Sanhita, 2023.

3. Case Diary received. Perused the same.

4. It is submitted by Mr. Roychoudhury, the learned counsel for the petitioners that the present petitioners are innocent and is no way connected in the alleged offence. However, after obtaining the order of interim pre-arrest bail the petitioners appeared before the I/O, cooperated in the investigation and their statements are also recorded by the I/O u/s 180 BNSS.

5. Mr. Choudhury further submitted that the present petitioner no. 1 was holding the post of Chairman in the S.C. Development Board, Hojai and his duty was not to distribute the articles to the beneficiaries. But, his only function was to select and approve the list of the beneficiaries submitted before him by the Sub-Divisional Welfare Board. He entrusted the duty to other Secretaries/Vice Chairman to do the needful in distributing the articles. He further submitted that during the pendency of this investigation, he made an application for his resignation as he wanted to contest the panchayat election which was accordingly allowed and he resigned from his service on 10.04.2025 and at present he is the Member of the Anchalik Panchayat.

6. Mr. Roychoudhury further submitted that he has no role in distributing the articles which were meant for beneficial of the SC/ST communities. But, his only duty was to identify the beneficiaries as per list which was produced before him.

That apart he is not connected with the alleged offence.

7. Mr. Roychoudury further submitted that the co-accused/ the main accused, namely, Pintu Kumar Das, whose name has been reflected in the FIR, who was working as a Vice Chairman of the said S.C. Development Board had already granted bail by the Coordinate Bench of this Court and while granting the bail it has been observed that during investigation many of the documents related to supply of articles etc. and some of the articles were also recovered from the possession of the informant. With that observation it is held by the Coordinate Bench of this Court that there is a doubt in the veracity of FIR submitted by the informant. However, the petitioner is still ready and willing to extend his cooperation in the further investigation of this case, if he is granted with the privilege of pre-arrest bail.

8. Mr. Borthakur, the learned Addl. PP submitted in this regard that there are many incriminating evidence against the present petitioners and some of the witnesses had directly implicated them who was discharging their duties as a Chairman and other accused/person was discharging his duty as a Member of the said Development Board. He submitted further as per the note of the I/O also it reveals that as per direction of the present petitioner no. 1, some of the articles were stored in the house of some witnesses with a view to sell the same to other places. However, it is a fact that the present petitioners have already appeared before the I/O, cooperated in the investigation and their statements were also recorded.

9. Hearing the submission made by learned counsel for both sides, I have also perused the Case Diary and the statements made by the witnesses. It is seen from the note of the I/O that some of the witnesses while recording their

statements had submitted that the present petitioners are responsible for the corruption in the S.C. Development Board and the present petitioners along with two other co-accused/persons had mislead the people and collected huge sum of money on the pretext of giving the materials to the beneficiaries under the S.C. Development Board Scheme. Further from the note of the I/O as well as from other materials in the case record, it is seen that some of the witnesses had directly brought the allegation of corruption against the present petitioners and others, while they were discharging their duties as Chairman, Vice Chairman and Members of the said Board. However, from the order passed by the Coordinate Bench of this Court and from the materials available in the Case Diary it is seen that some of the documents and the articles were also kept in the house of the informant, which were meant for distributing the articles to the beneficiaries.

10. From the perusal of the Case Diary and the Seizure List which has already been annexed along with the additional affidavit filed by the petitioners and also from the order passed by the learned Coordinate Bench, it is seen that most of the articles were found from the possession of the main accused Pintu Kumar Das and some of the documents related to the distribution of articles to the beneficiaries and some other articles were also found in the possession of the informant, wherefrom those documents were seized by police vide the Seizure List, which also creates a reasonable doubt regarding the veracity of the complaint lodged by the informant who is stated to be one of the beneficiaries under the S.C. Development Board.

11. Considering all these aspects of the case and also considering the fact that the petitioners have cooperated in the investigation of this case, I find that custodial interrogation may not be required for the purpose of investigation.

However, this Court finds that further interrogation of the present petitioners may be required by the I/O for the purpose of investigation and in view of that the petitioners are hereby directed to appear before the I/O within 10 (ten) days from the date of order and to extend further cooperation in the investigation of this case.

12. With the above observations, the order of interim pre-arrest bail dated 08.08.2025 is hereby made absolute with the same terms and conditions.

13. With the above observations, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant