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

Case No. : AB/1832/2026

KALACHAND ALI
S/O- TAZU ALI VILL- NO. 1 KAPLABARI P.O- KAPLABARI P.S- MUKALMUA
DIST- NALBARI, ASSAM PIN-781138

VERSUS

STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR D BHATTACHARYA, D GOSWAMI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

14.10.2026

Heard Ms. D. Goswami, learned counsel for the applicant and Mr. P. Barthakur, learned Additional Public Prosecutor for the State respondent No. 1.

2. This application, under Section 482 of the BNSS, 2023, is preferred by the applicant, namely, **Kalachand Ali**, who has been apprehending his arrest in

connection with Mukalmua P.S. Case No. 108/2026, under Sections 318(4)/61(2)(b)/3(5)/316(2) BNS, 2023, read with Sections 13/14 of the Assam Game and Betting Act, read with Sections 21/23 of the BUDS Act, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by ASI Satyendra Malakar, on 30.07.2026.

4. The essence of allegation in the FIR, dated 30.07.2026, is that acting on a tip off, search was conducted in the house of one Atowar Rahman, on 29.07.2026, and during search, cash Rs. 1,67,900/-, some gambling materials and one vehicle, bearing Registration No. AS-02-M-1681, were seized and recovered. Thereafter, on 30.07.2026, search was conducted in the house of the present applicant, and on search, cash amounting to Rs. 1,90,800/-, and motorcycles, bearing Registration Nos. AS-14-Q-7250, AS-14-R-3365 and AS-01-GE-4227, some unauthorized financial documents and a total of 271 Nos. of used passbooks were recovered and seized.

5. Ms. Goswami, learned counsel for the applicant submits the applicant is innocent and no-way involved with the offences alleged in the FIR. She also submits that the applicant is ready to cooperate with the investigating agency and therefore, she has contended to allow this application.

6. Per contra, Mr. Parashar, learned Additional Public Prosecutor has opposed the petition. By producing the case diary before this Court, he submits that the I.O. has collected sufficient incriminating materials against the applicant which shows his complicity with the offence alleged in the FIR. And in the interest of

investigation, his custodial interrogation is warranted and therefore, he has contended to dismiss this application.

7. Having heard the submissions of the learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record and also gone through the case diary with the assistance of the learned Additional Public Prosecutor.

8. Case diary indicates that the I.O. has collected sufficient incriminating materials against the applicant, in support of the allegation made in the FIR.

9. Moreover, investigation is going on and at this stage, it cannot be said that custodial interrogation of the applicant is not warranted in the interest of the investigation. His custodial interrogation is indispensible in the interest of investigation and therefore, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicant. And accordingly, this anticipatory bail application stands dismissed.

10. In terms of the above, this application stands disposed of.

11. Case diary be returned.

JUDGE

Comparing Assistant