

GAHC010028682026



2026:GAU-AS:2774

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

Case No. : Bail Appln./458/2026

IMDADUL HOQUE SARKAR ALIAS EMDADUL HOQUE SARKAR
S/O- LT. ALAUDDIN SARKARR/O- GAURIPUR, WARD NO.-6, P.S.-
GAURIPUR, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A SHEIKH, MS F INTAZ, MR. W A SHEIKH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA
JUDGMENT & ORDER

Date of Hearing : 20.02.2026

Date of Judgment: 24.02.2026

Heard Mr. M. A. Sheikh, learned counsel appearing for the accused applicant and Mr. R. J. Baruah, learned Additional Public Prosecutors for the State.

2. This is an application under Section 483 of the BNSS, 2023 praying for

granting bail to the accused applicant namely, **Imdadul Hoque Sarkar**, who was arrested on 29.01.2026, in connection with Basistha P.S. Case No. 42/2026 under Section 147 of the BNS, 2023 read with Sections 15/16/17/18 of the Unlawful Activities (Prevention) Act, 1967.

3. The instant case has been initiated based on a written complaint dated 29.01.2026 submitted by SI (P) Chinmoy Boruah of Jorabat Police Out Post, alleging that on 28.01.2026, at about 17:00 hours, credible information was received from the Deputy Commissioner of Police (East), Guwahati, regarding transportation of a large amount of cash suspected to be meant for terrorist activities, from Guwahati towards Meghalaya in a vehicle bearing Registration No. AS-01 DL-7386. Acting upon such information, a police team intercepted the vehicle on NH-27 at 9th Mile and apprehended the accused persons, namely *Anowar Hussain, Dianur Islam, Imdadul Haque Sarkar, and Malikuddin Sheikh* (driver). During the search of the vehicle, they recovered cash amounting to Rs. 70,88,000/-, nine (9) cheques amounting to Rs. 43,00,000/-, four mobile phones, and one land Sale Deed. It was alleged that during the preliminary enquiry, the accused applicants confessed that the aforesaid money was intended to be delivered to terrorist elements for facilitating unlawful and violent activities, thereby attracting the provisions of Section 15 of the Unlawful Activities (Prevention) Act, 1967 along with other relevant sections of law.

4. On receipt of the FIR, the police registered Basistha P.S. Case No. 42/2026 under Sections 147 of the BNS, 2023, read with Sections 15/16/17/18 of the Unlawful Activities (Prevention) Act, 1967. It is submitted that on 29.01.2026, the accused applicants were produced before the Hon'ble District & Sessions Judge, Kamrup (M) and after being shown arrested, they were remanded to police custody for five (5) days. On 02.02.2026, after completion of police

custody, the accused applicants were remanded to judicial custody and since then they are in judicial custody.

5. Mr. M. A. Sheikh, learned counsel for the Accused Applicant, submits that the Accused Applicant is in no way involved in the allegations made in the FIR. He submits that the Accused Applicant and the co-accused, namely, Anowar Hussain, belong to the same village in Gauripur. He further submits that the Accused Applicant came to Guwahati on 27.01.2026 along with co-accused Anowar Hussain for the purpose of collecting certain statements from Assam Down Town University, where his daughter, namely, Shagufta Khanam, is a student of the Bachelor of Business Administration course. He submits that on the night of 27.01.2026, the accused applicant stayed at the residence of a relative of the said co-accused Anowar Hussain. On the morning of 28.01.2026, he went to Assam Down Town University to meet his daughter and to complete certain bank-related formalities. After completing his work, the accused applicant accompanied co-accused Anowar Hussain to USTM University to meet his son, namely, Naziz Afroze Sarkar, who is an employee of USTM. On their way to USTM, the police intercepted the vehicle on NH-27 at 9th Mile and apprehended the Accused Applicant along with the other three co-accused persons. Upon conducting a search, the aforesaid cash amount, cheques, and other documents were recovered from the vehicle.

6. Learned counsel submits that the Accused Applicant had no knowledge about the land sale deed transaction or the source of the money received by *Anowar Hussain*. The Accused Applicant only became aware of the transaction and the receipt of the money when it was recovered by the police from the vehicle. He further submits that the Accused Applicant has neither directly nor indirectly participated in any activity relating to terrorism nor does he have any

connection with any terrorist or Jihadi organization. He submits that the Accused Applicant was arrested solely because he was travelling with the aforesaid co-accused persons. Therefore, since no material is available against the Accused Applicant, he should be granted bail at this stage. Learned counsel further submits that the Accused Applicant has been in custody for the past 23 days, only on suspicion, and without any materials connecting him to any offence under the Unlawful Activities (Prevention) Act.

7. Per contra, Mr. R. J. Baruah, learned Additional Public Prosecutor for the State, submits that the investigation is still at a nascent stage and that the Accused Applicant has been accused of terrorist activities detrimental to the security, sovereignty, and integrity of the nation. He submits that this is not a case in which the Accused Applicant should be granted bail. He further submits that the cash and cheques were recovered from the vehicle of the accused along with the co-accused. He also submits that the Case Diary contains various reports regarding the bank transactions and the recovered cheques are yet to be verified by the concerned authority; therefore, the release of the Accused Applicant at this stage would hamper the investigation. He submits that the Accused Applicant has allegedly confessed that the money was intended for a Jihadi organization and for terrorist activities and given the seriousness of the allegation, bail should not be granted.

8. The Case Diary in the instant case has been produced, which has been carefully perused by this Court, along with the submissions made by the learned counsel for the respective parties.

9. From the materials placed before this Court, it is apparent that the land belonging to the co-accused, Anowar Hussain, was in fact sold to Mustofa Salim Ahmed and Mrs. Nazmin Amania Islam. The aforesaid agreement of sale,

already seized by the police, reveals that there was a monetary transaction and Anowar Hussain received an amount of Rs. 17,00,000/- and cheques amounting to Rs. 43,00,000/- of different denominations for the said land. It is seen that the total consideration for the land was fixed at Rs. 60,00,000/-. This Court also notes that Anowar Hussain had availed an overdraft loan facility from ICICI Bank for a limit of Rs. 50,00,000/-, which was approved on 19.11.2024 for a period of 12 months.

10. This Court, after perusal of the materials available in the Case Diary, observes that while there is a confessional statement regarding the involvement of the Accused Applicant in some Jihadi organization, no *prima facie* material connects the Accused Applicant with any terrorist activity is available in the Case Diary. Taking into account all the facts, although the Accused Applicant was in police custody for five days and in judicial custody for the last eighteen days, the police are yet to gather convincing material implicating the Accused Applicant in any terrorist activities. At least, no *prima facie* material is available in the Case Diary before this Court.

11. In this connection, the case of ***Thwaha Fasal vs. Union of India***, reported in **(2022) 14 SCC 766**, can be referred to, wherein the Hon'ble Supreme Court held that the Court is to consider whether there are reasonable grounds for believing that the accusation against the accused is *prima facie* true. If the Court is satisfied, after examining the materials on record, that there are no reasonable grounds for believing that the accusation against the accused is *prima facie* true, then the accused applicant is entitled to bail.

12. After having considered the submissions and the facts of the case, this Court is of the considered opinion that the Accused Applicant should be granted bail at this stage, subject to certain conditions so that he can cooperate with the

investigation. Accordingly, it is directed that the Accused Applicant, namely **Imdadul Hoque Sarkar**, shall be released forthwith on bail on furnishing a bail bond of Rs. 1,00,000/- (Rupees One Lakh) with two sureties of like nature, one of whom shall be a Government servant, to the satisfaction of the learned District and Sessions Judge, Kamrup (M), Assam, subject to the following conditions:

(i) The Accused Applicant shall cooperate with the investigation and make himself available as and when called by the investigating officer;

(ii) The Accused Applicant shall report to the investigating officer in connection with Basistha P.S. Case No. 42/2026 once in every month till the FR/Charge sheet is filed by the IO, with the date of appearance to be fixed by the investigating officer;

(iii) The Accused Applicant shall provide their contact details, including photocopies of his Passport (if any), Aadhaar Card, Driving License, PAN Card as well as mobile numbers and other contact information, to the investigating officer;

(iv) The Accused Applicant shall not directly or indirectly attempt to hamper or tamper with the investigation of the case.

13. In view of the aforesaid directions, this bail application stands disposed of, as allowed.

JUDGE

Comparing Assistant