

GAHC010025342026



2026:GAU-AS:2773

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

Case No. : Bail Appln./410/2026

ANOWAR HUSSAIN AND ANR
SON OF HAJI ABUAL HUSSAIN
RESIDENT OF MATIABAG, P.S. GAURIPUR, DIST. DHUBRI, ASSAM

2: MALIKUDDIN SHEIKH
SON OF MD. HAMID ALI SHEIKH

RESIDENT OF DALSINGRALGA PT.I
P.S. GAURIPUR
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA, P MAZUMDAR, MR. R BARTHAKUR, MS. C
CHOUDHURY, MR. D K BAIDYA

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. A. M. Bora, learned senior counsel assisted by Mr. D. K. Baidya, learned counsel appearing for the accused applicants and Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

2. This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the accused applicants namely, **Anowar Hussain** and **Malikuddin Sheikh**, who were 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. A. M. Bora, learned senior counsel for the accused applicants, submits that the Accused Applicant No. 1, namely *Anowar Hussain*, is an established businessman of District Dhubri. He came to Guwahati on 28.01.2026 for the purpose of finalizing and executing the sale of his land admeasuring 1 Katha and 9.95 Lechas, covered by Dag No. 373 (old) / 804 (new) and K.P. Patta No. 1269 (old)/1132 (new), situated at Revenue Village Dwarandha Gaon, Mouza: Beltola, under Dispur Revenue Circle, Kamrup (M), in favor of *Mustofa Salim Ahmed* and *Mrs. Nazmin Amania Islam*, for a total consideration of Rs. 60,00,000/- (Rupees Sixty Lakhs only), out of which Rs. 17,00,000/- (Rupees Seventeen Lakhs only) was paid in cash and the remaining Rs. 43,00,000/- (Rupees Forty-Three Lakhs only) was paid through cheques of different denominations. He further submits that the Accused Applicant No. 1 had duly purchased the said plot of land from *Akshay Chandra Kalita* in the year 2018 and subsequently resold the same to *Mustofa Salim Ahmed* and *Mrs. Nazmin Amania Islam*.

6. The learned senior counsel submits that the cheques received towards part payment of the said land transaction were kept with the "Pay to" column left blank, as the Accused Applicant No. 1 intended to utilize the said cheques for payment of the educational fees of his daughter, Alisha Shabnam, who is pursuing her M.B.B.S. course at Gouri Devi Institute of Medical Sciences and Hospital, under the West Bengal University of Health Sciences. The said cheques were intended to be deposited directly in favor of the said institution to meet the academic expenses of his daughter. He also submits that for securing admission of his daughter in the aforesaid medical college and for meeting various educational and miscellaneous expenses connected therewith, as well as to discharge certain personal financial liabilities, he had availed an overdraft loan facility from ICICI Bank to the tune of Rs. 50,00,000/- (Rupees Fifty Lakhs only). Out of the said amount, a substantial portion had already been earmarked for educational and related expenses and a part of the same remained with him in cash for immediate and urgent requirements connected with his daughter's studies and other unavoidable personal obligations.

7. It is submitted that when the Accused Applicant No. 1 had come to Guwahati in connection with the execution of the sale deed, his neighbour and close family acquaintance, *Imdadul Haque Sarkar*, who had also come to Guwahati at that time, requested to accompany him in his vehicle so that on their return journey he could visit his son, *Naziz Afroze Sarkar*, who is working as a Laboratory Instructor at the *University of Science and Technology, Meghalaya (USTM)*. Coincidentally, another family acquaintance, *Dianur Islam*, who is also a colleague of *Naziz Afroze Sarkar*, was present in the Beltola locality on that day as he had gone to visit one of his colleagues whose father had recently expired. He submits that after completion of the sale deed, the Accused

Applicant No. 1 contacted *Dianur Islam* and requested him to accompany them to USTM for the purpose of visiting *Imdadul Haque Sarkar's* son and to guide them with the route. He submits that while they were proceeding towards the University of Science and Technology, Meghalaya (USTM), a police team from Jorabat Police Out Post intercepted their vehicle on NH-27 at 9th Mile on the same day and apprehended them. After conducting the search of the vehicle, the police seized the aforesaid cash, along with nine cheques, mobile phones and one land sale deed.

8. The Learned senior counsel, by referring to Annexure-I, starting from Page-25 of the bail application, submits that the agreement for the sale of land executed on 28.01.2026 between the Accused Applicant No. 1 and *Mustofa Salim Ahmed* and *Mrs. Nazmin Amania Islam* makes it clear that the money recovered from the vehicle was, in fact, received by the Accused Applicant No. 1 as part payment under the said agreement. Learned senior counsel further submits that the Accused Applicants are innocent of the offences alleged against them and have been falsely implicated in the present case. It is submitted that the Accused Applicants have neither any connection with any terrorist or Jihadist organization, nor have they engaged in any activity prohibited under law. He submits that the Accused Applicant No. 1 is an established businessman of District Dhubri and enjoys a good reputation in the locality and that the Accused Applicant No. 2 is his driver. He submits that the police have arrested them merely on suspicion, without having any evidence of their involvement in any terrorist activities or any activity related to funding terrorism.

9. He submits that the Accused Applicant No. 1 had duly purchased the said plot of land from one Akshay Chandra Kalita, vide deed of sale executed on 03.05.2018, a copy of which has been annexed to the application as Annexure-

II (Page No. 40). The same plot of land was sold by him to meet the educational expenses of his daughter. He submits that although several Sections, i.e., 15/16/17/18 of the Unlawful Activities (Prevention) Act have been invoked against the Accused Applicants, however, no evidence has been recovered by the police from their possession or from the possession of the other two persons. He submits that the registration of the case under Sections 15/16/17/18 of the UAPA is totally unwarranted, as there is no evidence against the accused applicants of involvement in any terrorist activities or in funding terrorist activities. He submits that no crime has been committed by the accused applicants by carrying the aforesaid cash amount and cheques, as the same were clearly received from a transaction involving the sale of the Accused Applicant No 1's own plot of land to the aforementioned couple.

10. He further submits that the story projected before the Court by the prosecution to show that the money was intended to be delivered to a terrorist organization or for funding terrorist activities is totally false, as there is no material to show that the Accused Applicants are involved in such activities. The same cannot be stretched to infer involvement in unlawful or terrorist activities in the absence of any independent and substantive evidence. He submits that the accused applicants were not involved in any activities detrimental to the security, sovereignty, or integrity of the nation. There is no iota of evidence to substantiate the allegations made in the FIR. In view of the aforesaid, the learned Senior Counsel submits that since the accused applicants have already spent 23 days in custody, including five (5) days in police custody, further custodial detention is not required and therefore, the Accused Applicants should be granted bail at this stage.

11. Per contra, Mr. R.J. Baruah, learned Additional Public Prosecutor for the

State, submits that the investigation is still at a nascent stage and the Accused Applicants have been accused of terrorist activities which are detrimental to the security, sovereignty and integrity of the nation. He submits that this is not a case in which the Accused Applicants should be granted bail at this stage. He further 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 applicants at this stage will hamper the investigation. He submits that the accused applicants have confessed that they intended to deliver the aforesaid money to a Jihadi organization and for terrorist activities and that the allegations being very serious, bail should not be granted at this stage. He submits that although the land sale amount has been shown as Rs. 60,00,000/- in the sale deed, the money recovered is more than Rs. 1,30,00,000/- and there is no explanation for the extra cash and cheques, which creates serious doubts regarding the activities of the Accused Applicants. Therefore, he strongly opposes their bail at this stage.

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

13. From the materials brought before this Court, it is apparent that the land belonging to the Accused Applicant No. 1 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 the Accused Applicant No. 1 received an amount of Rs. 17,00,000/- in cash 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 the Accused Applicant No. 1 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. Therefore, the contentions of the Accused Applicant No. 1 that he availed the overdraft loan facility to withdraw certain amounts cannot be ruled out at this stage.

14. This Court, after perusal of the materials available in the Case Diary, observes that while there are confessional statements regarding involvement of the Accused Applicants in some Jihadi organization, no *prima facie* materials connect the Accused Applicants with any terrorist activity. It is seen that though the Accused Applicants were in police custody for five (5) days and in judicial custody for the last eighteen (18) days, the police are yet to gather any convincing materials implicating the Accused Applicants in any terrorist activities. At least, no such prima facie material is available in the Case Diary before this Court.

15. The learned senior counsel appearing for the accused applicants has referred to the case of ***Thwaha Fasal vs. Union of India***, reported in **(2022) 14 SCC 766**, 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.

16. After having considered the submissions, the facts of the case, the materials available in the Case Diary and the fact that even after twenty three (23) days of custody, the Police is yet to gather any direct link of the Accused Applicants with any terrorist activities or terrorist organisation, this Court is of

the considered opinion that the Accused Applicants should be granted bail at this stage, subject to certain conditions so that they can cooperate with the investigation. Accordingly, it is directed that the Accused Applicants, namely, **Anowar Hussain and Malikuddin Sheikh**, shall be released forthwith on bail on furnishing a bail bond of Rs. 1,00,000/- (Rupees One Lakh) each, 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 Applicants shall cooperate with the investigation and make themselves available as and when called by the investigating officer;
- (ii) The Accused Applicants 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 Applicants shall provide their contact details, including photocopies of their Passports (if any), Aadhaar Cards, Driving Licenses, PAN Cards, as well as mobile numbers and other contact information, to the investigating officer;
- (iv) The Accused Applicants shall not directly or indirectly attempt to hamper or tamper with the investigation of the case.

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

JUDGE

Comparing Assistant