



**Serial Nos. 01 & 02**  
**Supplementary List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

BA. No. 80 of 2026 with  
BA. No. 81 of 2026

Date of Decision: 25.09.2026

**BA. No. 80 of 2026**

Shri. Saem Hussain,  
 S/o Shri. Sayed Huyssain,  
 R/o Mizmizi Village,  
 Sub-Division Narayanganj, P.S. Siddirgoan,  
 District Narayanganj, Bangladesh.

..... Applicant

- Vs-

State of Meghalaya represented by the Public  
 Prosecutor.

..... Respondent

**BA. No. 81 of 2026**

Shri. Mafuzur Rahman,  
 S/o (L) Rehan Uddin,  
 R/o Kuruin Village, Sub-Division Chitagong,  
 P.S. Davidwar, District Cummillah,  
 Bangladesh.

..... Applicant

- Vs-

State of Meghalaya represented by the Public  
 Prosecutor.

..... Respondent

**Coram:**

**Hon'ble Mr. Justice W. Diengdoh, Judge**



**Appearance:**

For the Petitioner/Appellant(s) : Mr. B. Deb, Adv.  
Ms. P. Kharmawshun, Adv.

For the Respondent(s) : Mr. J.N. Rynjah, Assistant PP.  
Mr. A.H. Kharwanlang, Addl. PP.

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| i)  | Whether approved for reporting in<br>Law journals etc.: | Yes/No |
| ii) | Whether approved for publication<br>in press:           | Yes/No |

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**COMMON JUDGMENT AND ORDER (ORAL)**

1. These two bail applications arose from a common case and with identical facts and circumstances, as such, it is deemed proper and convenient to pass a common judgment and order.

2. Here is a case where an application under Section 483 BNSS, 2023 for grant of bail has been made. Admittedly, this being the third bail application moved to secure release of the accused/applicants, Shri. Saem Hussain and Shri. Mafuzur Rahman on bail. The said accused persons being involved in Nonghyllam P.S. Case No. 09 of 2025, the same being eventually taken by the Trial Court, is registered as Sessions Case No. 11 of 2025, the sections involved being under Section 3(5)/109(2)/118(2)/140(1)/308(5)/332(a)/333 BNSS read with Section 25/27 of the Arms Act, Section 14 of the Foreigners Act, 1946 and Section 5 of the Explosive Substances Act, 1908.



3. Mr. B. Deb, learned counsel appearing for the accused/applicants has submitted that the accused/applicants are admittedly Foreign Nationals from Bangladesh where they have been falsely implicated in the case and have to go through the rigors of the trial before the Trial Court.

4. The learned counsel has also submitted that there are ten prosecution witnesses, nine of whom have since been examined and discharged, and the last witness is yet to be examined by the court.

5. It is the further submission of the learned counsel that on perusal of the deposition of the prosecution witnesses, it would be clear that no prima facie case has been made out against the accused persons and that they would eventually have to be acquitted. However, since the trial is yet to be concluded, this application for grant of bail is made.

6. As to the assurance that the accused/applicants would not abscond and would comply with the conditions imposed by this Court, if enlarged on bail, the learned counsel has submitted that sufficient sureties and local bailors are available to ensure that the accused/applicants confirmed to any conditions imposed by this Court, the particulars of such sureties have been listed at para 11 of this petition. As such, it is prayed that this petition may be allowed and the accused/applicants may be enlarged on bail with any conditions that this Court may deem fit and proper to impose.



7. Mr. J.N. Rynjah, learned Assistant PP appearing on behalf of the State respondent, has argued that this is not a fit case for grant of bail, firstly, since the accused/applicants are Foreign Nationals, and, if enlarged on bail, the possibility of their jumping bail is very imminent, and, if such a situation occur, the remaining part of the trial would be jeopardized. Secondly, it is the submission of the learned Assistant PP that the offence involved are very serious in nature, some of which involves provisions under the Arms Act, as such, he prays that this Court, taking this fact into account, may not enlarged the accused/applicants on bail.

8. This Court has considered the submission made, and has gone through the petition as well as the annexures attached thereto. On whatever has been submitted by the learned counsel for the accused/applicants, it would appear a case for grant of bail has been made out, since according to the learned counsel, there is no prima facie case found against the accused/applicants and that they are now prepared to provide sufficient sureties to ensure that they would be available for the remaining part of the trial.

9. On the other hand, the learned Assistant PP has impressed upon this Court that, notwithstanding the fact that the accused/applicants are Foreign Nationals, the allegation involved serious offence including those under the Arms Act, as such, the accused/applicants are not entitled to the grant of bail at this point of time.



10. This Court is also made to understand that out of ten prosecution witnesses, only one witness remains to be examined. As such, in the interest of justice, this Court finds no reason to allow the prayer made in this petition, but would request the Trial Court to proceed with the trial expeditiously and to conclude the same at the earliest. This, in the opinion of this Court would be sufficient as far as the fate of the accused/applicants are concerned.

11. Accordingly, these petitions are found to be devoid of merits, the same are hereby rejected and disposed of.

**Judge**