



2025:GAU-AS:16755

THE GAUHATI HIGH COURT

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

Writ Petition (C) no. 4930/2025

Aynul Hoque Laskar, S/o- Tera Miya Lasakr, R/o -
Chandipur Pt - III, P.O. - Kalibari, Bazar, P.S.- Algapur,
District - Hailakandi, Assam

.....Petitioner

-VERSUS-

1. The State of Assam, represented by the Commissioner and Secretary to the Government of Assam, Home Department, Dispur, Guwahati-6.
2. The Superintendent of Police, Hailakandi, Assam
3. The Circle Officer, Algapur Development Block, District - Hailakandi, Assam
4. The Officer-in-Charge Algapur Police Station, District – Hailakandi, Assam

.....Respondents

BEFORE

HON'BLE MR. JUSTICE MANISH CHOUDHURY

Advocate for the Petitioner	: Mr. J. Laskar
Advocate for the Respondents	: Mr. S.S. Roy, Govt. Advocate
Date on which Judgment is reserved	: Not Applicable
Date of Hearing	: 02.12.2025

Date of Judgment and Order : 02.12.2025

Whether the pronouncement is of the Operative part of the Judgment ? : No

Whether the full Judgment has been pronounced ? : Yes

JUDGMENT & ORDER

Heard Mr. J. Laskar, learned counsel for the petitioner and Mr. S.S. Roy, learned Junior Government Advocate, Assam for all the respondents.

2. An action on the part of the respondent no. 3 and the respondent no. 4 in sealing the shop of the petitioner has been assailed in this writ petition preferred under Article 226 of the Constitution of India.
3. The petitioner has stated that he is a businessman by profession and is the proprietor of M/s Sarimul Enterprise. He has stated that he runs a business of selling buffalo meat, raw meat, chicken and dairy products from a shop located at Algapur Bazar, Algapur, District – Hailakandi. For the purpose of running such business from the shop, the petitioner applied for a licence and a certificate from the appropriate authorities. The Hailakandi Municipal Board had issued a Licence on 04.02.2025 with validity up-to 31.03.2026 in favour of the petitioner to run his business. A Certificate of Registration in Form-Q was also issued to the petitioner by the jurisdictional Inspector of Shops and Establishments under the provisions of the Assam Shops and Establishments Act, 1971, as amended, and the rules framed thereunder allowing the petitioner to run the business of selling buffalo meat, raw meat, chicken and dairy products. The Certificate of Registration has validity up-to 02.02.2026.
4. A First Information Report [FIR] came to be lodged by a Sub-Inspector of Police, Algapur Police Station before the Officer In-Charge, Algapur Police Station on 01.07.2025 stating inter-alia that based on credible information

and subsequent local enquiries, it came to light that certain individuals from the locality of Algapur Bazar were found engaged in activities in violation of the provisions of the Assam Cattle Preservation Act, 2021 [‘the Act, 2021’, for short] and the rules framed thereunder. The individuals were found selling beef by openly displaying beef-items in public. On the basis of the information received which was registered as Algapur Police Station General Diary Entry no. 10 dated 01.07.2025, a team of Police personnel from Algapur Police Station conducted a search operation at the shop of M/s Sarimul Enterprise, situate at Algapur Bazar. During search, recovery and seizure of raw meat, suspected to be beef, weighing 4.50 KGs was made which was found stored in a refrigerator inside the shop. By a seizure list prepared at the spot, the raw meat weighing 4.50 KGs, a refrigerator and an electronic weighing machine, supposed to be used in the business, were seized in presence of independent witnesses. It was mentioned that the seized raw meat was properly sealed and packed. The FIR further alleged that illegal slaughter was done by the petitioner, that is, the owner of M/s Sarimul Enterprise along with others and he was suspected to be involved in the activities of selling raw beef-meat from his shop. The Officer In-Charge, Algapur Police Station was thereby requested to register the FIR under the appropriate provisions of the Act, 2021; the Bharatiya Nyaya Sanhita [BNS], 2023 and other applicable laws for causing a thorough investigation into the matter.

5. On receipt of the FIR, the Officer In-Charge, Algapur Police Station on 01.07.2025 registered it as Algapur Police Station Case no. 38/2025 for the offences under Sections 325/3[5] of the BNS read with Section 13[1] of the Act, 2021 and entrusted the investigation to a Sub-Inspector of Police attached to Algapur Police Station.
6. As the seizure of 4.50 KGs of raw meat, suspected to be beef, was made on 01.07.2025 from a refrigerator kept inside the shop of the petitioner as the proprietor of M/s Sarimul Enterprise, allegedly without any valid



license/authorization under the Act, 2021 and in view of registration of Algapur Police Station Case no. 38/2025, the Investigating Officer [I.O.] made a request to the respondent no. 3 on 10.07.2025 to seal the shop of the petitioner. The Officer In-Charge, Algapur Police Station also wrote to the respondent no. 3 on 10.07.2025, reiterating the same facts, to issue necessary orders for immediate sealing of the shop of the petitioner, located at Algapur Bazar till completion of investigation of the case.

7. It was in reference to the afore-mentioned two Letters, dated 10.07.2025, the respondent no. 3 had passed an Order on 10.07.2025 directing immediate sealing of the shop of the petitioner located at Algapur Bazar. In the Order directing the Officer In-Charge, Algapur Police Station [the respondent no. 4], the respondent no. 3 directed that the sealing operation should be carried out in his presence. Accordingly, at 05-30 p.m. on 10.07.2025, the shop of the petitioner run under the aegis of M/s Sarimul Enterprise at Algapur Bazar was sealed in connection with Algapur Police Station Case no. 38/2025 in presence of the respondent no. 3, the respondent no. 4, the I.O. of the case and independent witnesses. Since 10.07.2025, the shop of the petitioner is in sealed condition till date.
8. Mr. Laskar, learned counsel for the petitioner has submitted that the sealing of the shop of the petitioner is beyond power, authority and jurisdiction of the respondent authorities as no power has been vested on the respondent authorities, more particularly, the respondent no. 3 and the respondent no. 4 to seal a shop in the course of investigation of the case which has been registered for violating the provisions of the Act, 2021, as amended, and the BNS.
9. Per contra, Mr. Roy, learned Junior Government appearing for the State respondents has submitted that the activities run by the petitioner from his shop at Algapur Bazar was clearly an act in violation of the provisions of the Act, 2021 and the same had posed and gave rise to a possibility of

disturbing public order and communal harmony in the locality. He has submitted that as per Section 8 of the Act, 2021, selling of beef is prohibited within a specific distance from a religious place.

10. The Assam Cattle Preservation Act, 2021 has been enacted in order to provide for the preservation of cattle by regulating their slaughter, consumption, illegal transportation and matters connected and incidental therewith.
11. As per Section 3[b], 'Beef' means flesh of the cattle in any form whose slaughter is prohibited under the Act, 2021. Section 8 has placed a prohibition on the sale of beef and beef products. As per Section 8, no person shall directly or indirectly sale or offer or expose for sale or buy beef or beef products in any from except at places permitted to do so by the competent authority, provided no such permission shall be granted in such area or areas which are predominantly inhabited by Hindu, Jain, Sikh and other non-beef eating communities or within a radius of five kms of any temple, satra, or other religious institutions belonging to Hindu Religion or any other institution or area as may be prescribed by the competent authority. Section 13 has provided for penalties. As per sub-section [1] of Section 13, whoever contravenes any of the provisions contained in the Act under Sections 4, 5, 6, 7 & 8 shall be guilty of an offence punishable with imprisonment for a term which shall not be less than three years and which may extend to eight years and with fine, which shall not be less than three lakh rupees and extend to five lakh rupees or with both, provided that after considering facts and circumstances of a case and after hearing the Public Prosecutor on the question of sentence, the trial court may, for the reasons recorded in writing, impose lesser punishment than the minimum prescribed penalty under the said section. Section 14, with a non obstante clause, has prescribed that all offences under the Act, 2021, as amended, shall be cognizable and non-bailable.

12. The petitioner on the allegation that he had contravened the provisions of Section 8, has been made an accused in Algapur Police Station Case no. 38/2025 registered for the offence under Sections 325/3[5] of the BNS read with Section 13[1] of the Act, 2021.
13. In the affidavit filed by the respondent no. 3, the respondent no. 3 has taken a stand that on receipt of the Letter dated 10.07.2025 from the respondent no. 4 in connection with Algapur Police Station Case no. 38/2025 regarding issuance of necessary order for immediate sealing of the shop of M/s Sarimul Enterprise located at Algapur Bazar until completion of the investigation, he issued an Order on 10.07.2025 directing the respondent no. 4 to carry out the sealing operation on 10.07.2025 in his presence. It is further mentioned that apart from the offences under Sections 325/3[5] of the BNS and Section 13[1] of the Act, 2021, the offence under Section 196[1][b] of the BNS was added and therefore, the sealing of the shop was necessitated.
14. Rule 9 of the Assam Cattle Preservation Rules, 2022 [‘the Rules, 2022’, for short] framed in exercise of the powers conferred by Section 22 of the Act, 2021, as amended, has stated that for the purpose of Section 8, the intended citizen shall apply for license for beef shop in the prescribed format through the jurisdictional Circle Officer to the District Magistrate of the district. The Circle Officer on verification of the details mentioned in the application shall submit a report clearly indicating that the proposed place of beef shop is not situated in such area or areas which are predominantly inhabited by the communities mentioned therein or not within a radius of five kms of any religious institutions of the nature to the communities mentioned therein. The District Magistrate, on receipt of the application can verify the area or/and if satisfied, can issue a licence for beef shop in the prescribed form. The license so issued shall have validity of three years with renewal option after three years.



15. Admittedly, the petitioner has registered his shop for the purpose of selling buffalo meat, raw meat, chicken and dairy products under the Assam Shops and Establishments Act, 1971 and does not have any permission under Section 8 of the Act, 2021 read with Section 9 of the Rules, 2022 to sell beef. If the seized raw meat, suspected to be beef, is ultimately found out to be beef, then the petitioner can be charge-sheeted and prosecuted in connection with Algapur Police Station Case no. 38/2025 subject to commission of prima facie offence and can be convicted after trial, if found guilty.
16. The question raised herein is whether under the provisions of the Act, 2021 and the Rules, 2022 any authority who exercises powers under the Act, 2021 and the Rules, 2022, can seal a shop and continue to keep a shop under sealed condition thereafter. The power to enter, inspect, search, seizure and detain have been delineated in Section 11 of the Act, 2021. For the purpose of enforcing the provisions of the Act, 2021, a Police Officer not below the rank of a Sub-Inspector or a registered Veterinary Officer, or any person authorized in that behalf by the State Government, shall have the power to enter and inspect any premises within the local limits of jurisdiction of such persons where he has reason to believe that an offence under the Act has been or is likely to be committed. Every person in occupation of any such premises shall allow the Police Officer or any other person authorized such access to the premises as he may require for the aforesaid purpose and shall answer any question put to him by any Police Officer of such rank or any empowered officer to the best of his knowledge and belief. A Police Officer not below the rank of Sub-Inspector or any other empowered officer, if of the opinion that an offence under the said Act has been committed or is likely to be committed, may seize any materials or carcasses or cattle or vehicle or conveyance, which have been or likely to be used in commission of the offences, from the premises so inspected and may detain any person suspected to have committed such offence. After

the seizure, such Police Officer shall report such seizure without unreasonable delay, before the Judicial Magistrate, First Class. On receipt of the report, the Judicial Magistrate, First Class may, on his being satisfied that there is enough material to presume that a prima facie offence under the Act has been committed or intended to be committed, release the seized materials including vehicle/conveyance except cattle on furnishing of a bank guarantee to the satisfaction of the court, pending disposal of the criminal proceedings instituted in respect of the alleged offence.

17. The provisions of Section 11 which has provided the power, authority and jurisdiction to the officials mentioned therein including a Police Officer not below the rank of Sub-Inspector to enter, inspect, search and detain, but no power, authority and jurisdiction has been vested on such empowered officials including a Police Offices not below the rank of Sub-Inspector to seal a premise wherefrom any offence under the Act is found to have been committed. The empowered official like a Police Officer not below the rank of Sub-Inspector can seize any material including raw meat, suspected to be beef, in exercise of the powers conferred on him under Section 11 of the Act but he has not been vested with any power to seal the premises so inspected. A Circle Officer even if he is authorized under Section 11 of the Act by the State Government, does not possess any power, authority and jurisdiction to seal a premise though he may be conferred with the power to enter into a premises and to inspect such premises in order to seize any material from the premises so inspected.
18. As no power, authority and jurisdiction is found to be vested either on the respondent no. 3 or on the respondent no. 4 to seal the shop premises of the petitioner, even in the event of committing an offence under the Act, 2021 and the rules framed thereunder, the action on their part in sealing the shop of the petitioner on 10.07.2025 is found to be a high handed action beyond their power, authority and jurisdiction. In such view of the matter, the act of sealing of the shop premises of the petitioner run under



the aegis of M/s Sarimul Enterprise at Algapur Bazar is found to be illegal and it cannot continue for any further period. Consequently, the respondent no. 3 and the respondent no. 4 are directed to remove the sealing of the shop premises of the petitioner immediately. It is further observed that the removal of sealing of the shop premises of the petitioner would not preclude the investigating authority to continue with the investigation of Algapur Police Station Case no. 38/2025 to bring the same to its logical conclusion.

19. In the light of the above discussion, the writ petition is allowed to the extent indicated above. There shall, however, be no order as to costs.

JUDGE

Comparing Assistant