

GAHC010022042023



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

Case No. : Bail Appln./452/2023

JITUL ALI
S/O YASIN ALI, R/O VILL-JAIGURU, AMINGAON, P.O.-AMINGAON, P.S.-
CHANGSARI, DIST-KAMRUP, ASSAM, PIN-781031

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 20.02.2023

Heard Mr. A. Deuri, learned counsel for the petitioner. Also heard Mr. Bhaskar Sarma, learned APP appearing for the State.

The petitioner, who was arrested on 17.12.2022 is seeking regular bail under section 439 Cr.P.C. in connection with North Guwahati P.S. Case No.

141/2022 under sections 25(1-B) of the Arms Act.

The learned APP has produced the case diary and has opposed the prayer for bail.

It appears that the person from National Crime Bureau had recovered commercial quantity of contraband drugs from the petitioner and in course of search, a pistol (LLMA Cal. 32) with one empty magazine was recovered and seized from Innova Car.

On perusal of the case diary, it appears that there are sufficient incriminating materials against the petitioner of his involvement in carrying small unlicensed arms in his vehicle. Nonetheless, considering that the petitioner was arrested on 17.12.2022 and has suffered custody of 54 days, considering the length of detention, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Jitul Ali in connection with the aforesaid case on furnishing bail bond of Rs.1,00,000/- (Rupees one lakh only), with two solvent sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon. Out of the two bailors, one should offer his/her immovable property as security for grant of bail.

The bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any

police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

3. The petitioner shall not obstruct the smooth progress of the investigation/trial.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall appear before the I/O within 10 (ten) days from the date of his release and he shall continue to appear once in a month till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

It is provided that the petitioner is also an accused in narcotic case. Accordingly, this order shall not influence the Court while deciding the bail of the petitioner in NCB Crime No. 24/2022.

This application stands disposed of.

Case diary returned.

JUDGE

Comparing Assistant