

GAHC010033492023



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

Case No. : AB/550/2023

HABEJ UDDIN
S/O HABIBUR RAHMAN
R/O HOWLY TOWN, WARD NO. 4,
P.S. HOWLY
DIST. BARPETA, ASSAM
PIN-781316
PH. NO. 9577726468

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

20-06-2023

Heard Mr. K. Thakur, learned counsel for the petitioner and Mr. M.P.Goswami, learned

Additional Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Habej Uddin**, apprehending his arrest, is seeking pre-arrest bail in Crime Branch Police Station Case No. 01/2022 registered under Sections 120(B)/379/411/465/468/471 IPC, corresponding to G.R. Case No. 868/2022.

The petitioner is on interim bail in said Crime Branch P.S. Case No. 01/2022 since 23.02.2023.

During an enquiry relating to inter-State smuggling of betel nuts without any valid documents, the petitioner was found in possession of 62 Nos. of bags of betel nuts and those bags of betel nuts were seized by police in connection with said Crime Branch P.S. Case No. 01/2022.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submits that after obtaining the interim bail in said Crime Branch P.S. Case No. 01/2022 on 23.02.2023, the petitioner appeared before the concerned Investigating Officer of the case and placed certain receipts to show that he purchased those betel nuts by paying money obtaining those money receipts.

Mr. Goswami, learned Additional Public Prosecutor, Assam placed before the Court that the petitioner had purchased the betel nuts from one M/s Das Hardware, Kalain, Cachar of which Sunil Das is the proprietor. Mr. Goswami, learned Additional Public Prosecutor, Assam submits that the proprietor of the said Das Hardware has not yet appeared before the concerned Investigation Officer of the case in said Crime Branch P.S. Case No. 01/2022, inspite of serving notice.

Considering the above and the materials available in the case diary, the Court is of the view that custodial interrogation of the petitioner is not warranted to investigate said Crime Branch P.S. Case No. 01/2022. As such, this pre-arrest bail application of the petitioner, named above, in said Crime Branch P.S. Case is accepted.

The petitioner, namely, **Habej Uddin** is already on interim bail in said Crime Branch P.S. Case No. 01/2022 granted to him earlier on 23.02.2023 and the same is hereby made absolute on the terms and conditions that the petitioner shall (i) appear before the Investigating Officer of Crime Branch P.S. Case No. 01/2022, as and when he is required for necessary investigation of said Crime Branch P.S. Case; (ii) not leave the territorial jurisdiction of the Crime Branch Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case and (iv) 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/her from disclosing such facts to the Court or to any police officer.

With the above observation and directions, this pre-arrest bail application accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant