

GAHC010045322023



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

Case No. : Bail Appln./848/2023

MUNNA KUMAR
S/O SRI NEVALAL PRASAD
R/O VILL-JHITAKHIYAN
P.O. JHITAKHIYAN
P.S. RAJEPUR
DIST. EAST CHAMPARAN, MOTIHARI
STATE- BIHAR, PIN-845407

VERSUS

THE STATE OF ASSAM
REP. BY THE PP ASSAM

Advocate for the Petitioner : MR W R MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 09.03.2023

Heard Mr. WR Medhi, learned counsel for the accused petitioner as well as Mr. RJ Baruah, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Munna Kumar** has

prayed for grant of bail in connection with **Teok P.S. Case No.237/2022** under Section 379 of the IPC r/w Section 3 of the PDPP Act and Section 23 of the Petroleum Act.

The case diary is placed before the court.

The FIR reveals the allegation that on 29.10.2022, the Oil India Limited vendor's while carrying out maintenance activities spotted some digging at PLKM 107.95 and out of the said location, two unauthorised valve fittings related to pilferage activity were found. The crude oil pipeline was found to have been punctured for the theft of crude oil in the said location.

It is noticed that the accused petitioner has been in judicial custody for 44 days since 24.01.2023.

Perusal of the case diary reveals that the accused petitioner is a Manager of an oil depot at Dimapur. He has been stated to be implicated in another case of similar nature. It is further noticed that the present accused petitioner is not named in the FIR. However, in course of investigation, six other persons were arrested and based on their statements, the present accused petitioner has been arrested. No incriminating material has been recovered and seized out of his possession. It is therefore, seen that he has been arrested *prima facie* on mere suspicion. Investigation has also substantially progressed in respect of the alleged complicity of the accused petitioner. Therefore, this Court is of the considered opinion that further detention of the accused petitioner beyond 44 days which he has already undergone in detention is not warranted.

In the premises, it is provided that the accused petitioner named above shall be released on furnishing bail bond of **Rs. 50,000/- (Fifty Thousand)** with one surety of like amount to the satisfaction of the learned **CJM, Jorhat**, subject to the following conditions- :

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) That the accused 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 the Police Officer or the Court; and

- (iii) That the accused petitioner shall refrain from committing any similar offence in future, of which he is suspected of commission.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant