

GAHC010080202023



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

Case No. : AB/1408/2023

SK. NAJOMOL ALI
S/O- SK. NURUL ALI, R/O- DESANG, MAJGAON, P.O. SUKAN PUKHURI, P.S.
SIVASAGAR, DIST.- SIVASAGAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. P P DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

30-06-2023

Heard Mr. T. J. Mahanta, learned Senior Counsel, assisted by Mr. D. Gogoi, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC the petitioner, namely, **Sk. Najomol Ali**

apprehending his arrest is seeking pre-arrest bail in **Digboi P.S. Case No. 57/2023** registered under Sections 120(B)/407/420/379/411 IPC read with Section 23 of the Petroleum Act, 1934 and read with Section 3 of the Prevention of Damage to Public Property Act, 1984 corresponding to G.R. No.193/2023.

The petitioner stated that he is not an FIR named accused.

The Court earlier granted interim bail to the petitioner in said **Digboi P.S. Case No.57/2023** on 12.04.2023 pursuant to which, he appeared before the I/O of said Digboi P.S. Case on 29.04.2023 and his statement was recorded.

As per the FIR of the case, the condensate raw oil extracted at Amuguri in Sivasagar District is transported to the Kharsang Well Khad of IOCL at Digboi, through various oil tankers. During such process, these oil tankers unload the crude oil/condensate from the tankers and mixed it with water of equal amount of crude oil taken out from such tankers. As per the FIR of the case, one Bolero vehicle along with some personnel escorted these 10 numbers of tankers who diverted those to different places so as to unload such condensate while transporting it from Amuguri to Kharsang Well Khad at Digboi.

Perused the case diary as well as the statements of the witnesses so far recorded by the concerned Investigating Officer of the case.

From the case diary, it is found that Oilmax Energy is the concerned company who are extracting crude oil and condensate from the Amuguri field and transports it to Indian Oil Corporation Limited at Digboi and the entire process has been sub-contracted to AESL.

The case diary also reveals that it is the AESL as a sub-contractor is extracting the crude oil and condensate through sub-contractor O&M transporting such extracted crude oil and condensate extracted at Amuguri to IOCL at Digboi.

It is seen from the case diary reveals that one Promod Mahato is the concerned security head who used to provide security to those oil tankers carrying extracted crude oil and condensate from Amuguri to Digboi and it is the petitioner who looks after the transportation of such extracted crude oil and condensate to Digboi from Amuguri and manages those tankers.

As per the case diary, during their way from Amuguri to Digboi, those oil tankers usually parked at 2/3 places determined earlier for 30 to 45 minutes during which 4,000 to 6,000 liters of such crude oil and condensate use to be taken out and filled up with equal amount of water to maintain the quantity. Though the cover of the oil tankers are sealed with plastic seal, seal pack and locks but the nut bolts of at least two of the chambers of those tankers were always kept loose so that it can be opened easily without breaking the seal and opening the lock. Further, it is seen from the case diary that when entire crude oil and condensate transported in the tankers are downloaded, even at Kharsang Khad of IOCL Digboi, that there is a process of security check to test, verify and examine the crude oil and condensate carried by the tankers prior to clearing/downloading in the Khads of IOCL including in the Kharsang Khad. However, case diary reveals that it is so well managed that prior in hand, the pipes that are placed inside the chambers of the tankers that are filled up with 10 to 12 liters of original crude oil and condensate so that, the authority while testing crude oil and condensate carried by the tankers will not be aware as to whether those are mixed with water or not and for that purpose the drivers of each of the tankers use to earn additional amount of Rs.2,000/- to 5,000/- above Rs.500/- per day from the petitioner and other such persons and the people involved in the case used to earn huge amount of money by illegally procuring 4000 to 6000 liters of original crude oil and condensate downloaded in each of such specific stops of those tankers selling it illegally to the outside, sharing such illegal income with the people involved in the case.

It is found from the case diary that it is huge racket going on since long with regard to the extracted crude and condensate to which the authorities concerned seemed to be aware of.

Considering such materials in the case diary and the involvement of the petitioner in the alleged crime, the Court is of the view that it is not a fit case to grant pre arrest bail to the petitioner, namely, **Sk. Najomol Ali** in said **Digboi P.S. Case No. 57/2023** registered under Sections 120(B)/407/420/379/411 IPC read with Section 23 of the Petroleum Act, 1934 and read with Section 3 of the Prevention of Damage to Public Property Act, 1984 corresponding to G.R. No.193/2023 and the same is accordingly stands rejected.

The interim pre-arrest bail earlier granted to the petitioner on 12.04.2023 in said

Digboi P.S. Case No.57/2023 is hereby recalled/stands vacated.

Return the case diary herewith.

JUDGE

Comparing Assistant