

GAHC010086352023



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

**Case No. : Bail Appln./1463/2023**

AHIDUL ISLAM  
S/O- LATE SIDDIK ALI, R/O- KABOITARI PT. III, P.O. AND P.S. JOGIGHOPA,  
DIST.- BONGAIGAON, ASSAM, PIN- 783382

VERSUS

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

**Advocate for the Petitioner : MR. B K DAS**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 27-04-2023**

1. Heard Mr. D.K. Das, learned counsel for the petitioner, **Ahidul Islam**. Also heard Mr. P Borthakur, learned Addl. PP, appearing for the State.
2. The petitioner has filed an application under section 439 Cr.P.C., with prayer for bail as he is in custody since 12.04.2023 in connection with **Jogighopa PS Case No.96/2023** under sections **120(B)/420/468 /**

**471/34 IPC.**

3. I have considered the submissions at the bar and I have also perused the case diary.
4. The FIR unfolds that certain persons were selling fake GST challans for trucks loaded with coal at Jogighopa tiniali and thereby evading payment of taxes to the Government. The informant along with other staff apprehended one Khushumohan Siddha and seized one register wherein information relating to dealing of coal was found and one mobile set was also seized from him. Along with Khushumohan Siddha, four coal loaded trucks bearing registration Nos. i) NL-01L-1765, ii) AS-01 GC-2950, iii) AS-01GC-7808, iv).AS-01NC-9618 were brought to the police station on suspicion of transporting coal to other states with fake GST challans. During investigation it was learnt that Dr. Ajit Nath, a GST Officer was also involved in the racket and the accused persons named in the FIR were also involved in the racket.
5. It is submitted on behalf of the petitioner that he is not named in the FIR. The accused person's name was first unearthed by co-accused Islamil Hussain.
6. The learned counsel for the petitioner has prayed for bail on the ground of parity as the main accused Ismail Hussain has been granted pre arrest bail in connection with AB No.1075/2023, Dr. Ajit Kr. Nath has been granted pre arrest bail in connection with AB No.1012/2023 and Alekzander Rahman @ Alexandar Rahman has been granted pre arrest bail in connection with AB No.1046/2023 and all the accused Ismail Hussain, Hasan @ Fakrul Hasan Khan, Navin @ Nabin Baishnab have been granted pre arrest bail in connection with AB No.1075/2023.
7. The learned Addl. PP has raised objection stating that there are incriminating materials in the case diary against the petitioner. The

statement of the accused Ismail Hussain reveals that the petitioner provides fake GST challan to Ismail Hussain who in turn provides the challans to the coal traders.

8. A scrutiny of the case diary reveals that investigation has progressed to a considerable extent.

9. I have also considered the prayer on parity. In view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs.30,000/- with a suitable surety of the like amount to the satisfaction of the learned CJM, North Salmara, Abhayapuri, Bongaigaon under the condition that:

i. The petitioner will refrain from such activities with which he is alleged, failing which, his bail will stand cancelled.

10. In terms of the above, the bail application stands disposed of.

11. Send back the case diary.

**JUDGE**

**Comparing Assistant**