

GAHC010090502023



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

Case No. : AB/1550/2023

JAHAN UDDIN AHMED
S/O MOKFOR ALI
VILL- PACHANIA PAHAR
P.S. JOGIGHOPA
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

07-06-2023

Heard Mr. P. Rahman, 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, **Jahan Uddin Ahmed** apprehending his arrest is seeking pre-arrest bail in Chapar P.S. Case No.234/2022 registered under Section 120(B)/379/420/468/471/34 IPC.

The petitioner is already on interim pre-arrest bail in said Chapar P.S. Case No.234/2022 pursuant to the order passed earlier on 15.05.2023.

Petitioner is the owner of a Truck bearing Registration No. AS-19/AC-4459. His said truck was found at a Petrol Pump at Dhirghat fully loaded with Burmese Areca Nuts in almost 400 bags. The two drivers and the handyman of the truck were arrested.

Case diary reveals that such Areca Nuts were loaded in a house of one Gofur Ali of village-Matia in the District of Goalpara that was purchased by one A.R. Enterprise of Bijni, Chirang.

Police have already recorded the statement of Gofur Ali of village-Matia from whose house the said Burmese Areca Nuts were loaded as well as one Anowar Hussain of Bijni, owner of A.R. Enterprise, who admitted the fact that he purchased the said Areca Nuts from said Gofur Ali of village-Matia.

Case diary also reveals that said truck of the petitioner was managed and look after by one of the driver of the said truck namely, Kashem Ali.

It is also seen from the report of the I.O. that all the relevant taxes etc., relating to the truck from where the Burmese Areca Nuts have been recovered paid to the Government.

From the case diary, it is also seen that the petitioner after obtaining interim pre-arrest bail in said Chapar P.S. Case No.234/2022 appeared before the concerned I.O. of the case on 19.05.2023 and his statement was recorded.

Since, the petitioners have appeared before the concerned I.O. of the case, the Court is of the view that custodial interrogation of the petitioner is not warranted to investigate said Chapar P.S. Case No.234/2022. Accordingly, this pre-arrest bail application of the petitioner, named above, in said Chapar P.S. Case No.234/2022 is accepted.

The petitioner namely, **Jahan Uddin Ahmed** is already on interim bail in said Chapar P.S. Case No.234/2022 granted to him earlier on 15.05.2023 and the same is hereby made absolute on the terms and conditions that the petitioner shall - **(i)** appear before the Investigating Officer of Chapar P.S. Case No.234/2022, as and when he is required for necessary investigation of said Chapar P.S. Case; **(ii)** not leave the territorial jurisdiction of

the Chapar 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 them 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