

GAHC010110332023



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

**Case No. : AB/1820/2023**

NAJRUL ISLAM  
S/O LATE RAMJAN ALI,  
VILL.- BORMABIL,  
P.O.- MOWAMARI,  
P.S.- SAMAGURI,  
DIST.- NAGAON, ASSAM, PIN- 782140.

VERSUS

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

**Advocate for the Petitioner** : ALHAJJ I UDDIN

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

**BEFORE**  
**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**21/06/2023**

Heard Mr. A I Uddin, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

The petitioner, namely, **Najrul Islam**, has filed this application under Section 438 Cr.P.C. seeking pre-arrest bail apprehending his arrest in **BI(EO) P.S. Case No. 12/2023** registered under Sections 120(B)/420/406 IPC read with Section 7 of the Essential Commodities Act corresponding to G.R. No. 3003/2023.

Petitioner is the Chairman of M/s. Mowamari Gaon Panchayat Samabai Samity Limited, Mowamari.

Matter relates to defalcation of huge amount of PDS rice as well as cash amount of the society sanctioned for transportation of PDS items to the said Samabai Samity.

Perused the case diary placed before the Court today by Mr. B Sarma, learned Additional Public Prosecutor, Assam.

Case diary reveals that the main accused of the case, one Abu Taleb, former Secretary of the said Samabai Samity was arrested in said BI(EO) P.S. Case No. 12/2023 on 12.05.2023.

By order dated 24.05.2023, the Court granted interim bail to the petitioner in said BI(EO) P.S. Case No. 12/2023 pursuant to which he appeared before the concerned Investigating Officer and his statement was also recorded.

Mr. A I Uddin, learned counsel for the petitioner has placed before the Court a copy of the order dated 15.06.2023 passed in Bail Appln. No. 1848/2023, whereby the main accused of the case, Abu Taleb was already released on bail.

It is seen that the Superintendent of Food, Civil Supplies and Consumer Affairs made a detail enquiry and submitted its report on the basis of which the FIR of the case has been filed.

It is also seen that the petitioner did not appear before the Superintendent of Food, Civil Supplies and Consumer Affairs during the enquiry and failed to submit the details of the accounts regarding the transaction as well as supply and distribution of PDS rice.

Considering the materials available in the case dairy, the Court is of the view that custodial interrogation of the petitioner, named above, is not warranted to investigate the said BI(EO) P.S. Case No. 12/2023. As such, this pre-arrest bail application of the petitioner in said BI(EO) P.S. Case is accepted.

The petitioner, namely, Najrul Islam is already on interim bail in said BI(EO) P.S. Case No. 12/2023 granted to him earlier by this Court on 24.05.2023 and the same is hereby made absolute on the terms and conditions that the petitioner shall - **(i)** appear before the concerned Investigating Officer of said BI(EO) P.S. Case No. 12/2023 as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of said BI(EO) Police Station, without obtaining prior

written permission from the concerned I/O 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 from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, pre-arrest bail granted to him in said BI(EO) P.S. Case No. 12/2023 shall stand automatically vacated.

Return the case diary.

Accordingly, this pre-arrest bail application stands allowed to the extent above.

**JUDGE**

**Comparing Assistant**