

GAHC010111732023



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

Case No. : AB/1826/2023

GAKUL DAS
S/O SRI TULSHIDAS
R/O VILL- ASHAPUR NATUN GAON
P.O. LEPETKATA
P.S. BARBARUAH
DIST.DIBRUGARH, ASSAM
PIN-786006

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P KAKATI

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

22/06/2023

Heard Mr. P Kakati, learned counsel for the petitioner and Mr. Bidyut Sarma, learned Additional Public Prosecutor, Assam for the State.

The petitioner, namely, **Gakul Das**, has filed this application under Section 438 Cr.P.C. seeking

pre-arrest bail apprehending his arrest in **Namrup P.S. Case No. 38/2023** registered under Sections 120(B)/306/409/420/380/34 IPC read with Section 7 of Essential Commodities Act corresponding to G.R. No. 119/2023.

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

Petitioner is the Secretary of M/s. Laruah Samabai Samity Limited, District-Dibrugarh.

Since the consumers of M/s. Namrup Gram Panchayat Samabai Samity Limited did not receive the PDS commodities for the months of March and April including the NFSA beneficiaries, an enquiry was made by the Deputy Director of Food, Civil Supplies and Consumer Affairs, Dibrugarh and during such enquiry, it was found that the authorities of said M/s. Namrup GPSS Limited through the transporters of M/s. Laruah GPSS used to carry the PDS articles to their godown. Though, the record reveals that M/s. Namrup GPSS Limited lifted TPDS rice as well as NFSA rice for their consumers for the months of March, April and May, but the TPDS rice were not provided to them that were supplied to the M/s. Namrup GPSS in free of cost for the consumers of the said Samabai Samity. The accused persons in league with the NFSA transporter of M/s. Laruah GPSS embezzled huge quantity of such free rice provided by the authority to the said Samabai Samity for the months of March, April and May and sold it in the open market nearby for gaining illegal profit.

Case diary reveals that the accused persons of the case along with the transporter of M/s. Laruah GPSS and the Secretary of said M/s. Laruah GPSS, i.e., the petitioner used to sale such PDS articles of M/s. Namrup GPSS Limited in the open market that were provided freely for the NFSA beneficiaries of M/s. Namrup GPSS Ltd.

Case diary also reveals that after the arrest of one of the accused, he also implicated the present petitioner regarding his involvement in the alleged crime.

Considering the materials available in the case diary against the petitioner with regard to his involvement 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, Gakul Das in said Namrup P.S. Case No. 38/2023.

Accordingly, this pre-arrest bail application of the petitioner, Gakul Das in said Namrup P.S. Case No. 38/2023 stands rejected.

The interim pre-arrest bail granted to the petitioner, Gakul Das earlier on 23.05.2023 in said Namrup P.S. Case No. 38/2023 is hereby recalled/stands vacated.

Return the case diary.

JUDGE

Comparing Assistant