

GAHC010113572022



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

Case No. : AB/1608/2022

SIBA SONOWAL @ SIVO SONOWAL
S/O LATE MOINA SONOWAL,
R/O VILL- MEDELA, P.S. JONAI
DIST. DHEMAJI, ASSAM-787060

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD. S M RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

O R D E R

18.01.2023.

Heard Mr. SM Rahman, learned counsel for the applicant. Also heard Mr. KP Pathak, learned standing counsel, appearing for the Excise Department.

Apprehending arrest in connection with the Excise Case No.144/2022, Jonai, under Section 53(1) of Assam Excise (Amendment) Act, 2018, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, Sri Siba Sonowal @ Sivo Sonowal, for grant of pre-arrest bail.

The above noted case has been registered on the basis of one FIR, lodged by Inspector of Excise, Jonai on 30.05.2022, to the effect that acting on a tip off, they have conducted search in the Hotel of Siba Sonowal and recovered 31 Bulk Litres of Brard "bear" and about 16.56 Bulk Litres of IMFL, meant for sell in Assam and Arunachal Pradesh, and he kept the same in his Hotel without any license to sell IMFL.

Mr. SM Rahman, learned counsel for the applicant submits that this Court was pleased to extend the privilege of interim bail to the applicant vide order dated 22.06.2022, and pursuant to the said order, the applicant appeared before the I.O. and his statement has been recorded and he has been co-operating with the investigating agency and therefore, it is contended to make the interim order dated 22.06.2022 absolute, in the same terms and conditions.

On the other hand, Mr. Pathak, learned standing counsel for the Excise Department submits that he has received the case diary but the same has not been updated since the month of May, 2022, and if the applicant has appeared before the I.O. and his statement has been recorded and he has been cooperating with the investigating agency, that he has no objection in making the interim order 22.06.2022 absolute, in the same terms and conditions.

Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary produced before this Court with the assistance of

Mr. Pathak, learned standing counsel for the Excise Department.

In view of the submission made by learned Advocates of both sides and in view of the materials placed on record and also from perusal of the case diary, custodial interrogation of the applicants seems to be not necessary in the interest of investigation.

Accordingly, this Court is inclined to make the interim order, dated 22.06.2022, absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of. The Case Diary be sent back.

JUDGE

Comparing Assistant