

GAHC010122222023



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

Case No. : Bail Appln./2036/2023

PABITRA BORGOHAIN
S/O LATE BADAN BORGOHAIN
R/O NAMRUP RAILWAY STATION,
P.O. AND P.S. NAMRUP
DIST. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C S RAY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

28.06.2023

Heard Mr. C.S. Ray, learned counsel for the accused petitioner. Also heard Mr. D.P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioner, namely

Pabitra Borgohain has prayed for grant of bail in connection with **Namrup P.S. Case No.38/2023** under Sections **120B/406/409/420 /380/34** of the IPC read with Section **7** of the Essential Commodities Act.

The case diary, as called for, is placed before the Court.

The case relates to misappropriation of approximately 150 quintals of TPDS rice under NFSA, 2013 meant for distribution to the dealers for the month of May, 2023. It was suspected that the misappropriated rice was sold somewhere in black market.

It is noticed that the accused petitioner has been in judicial custody since 25.05.2023, that is, for 35 days.

Perusal of the case diary reveals that the incident of misappropriation of TPDS highly subsidised rice of M/s Namrup GPSS Ltd. Came to light after an enquiry was conducted by the Food and Civil Supplies Department, State of Assam as the stock was unaccounted for. The misappropriation was detected basically for non-production of the relevant documents maintained in the GPSS on notice and variation in lifted quantity of NFSA rice and allotments made for distribution of the same to the beneficiaries through the F.P.S. The whole matter is of records. The accused handed over the charge of his office on 01.04.2023 on the ground of his ill health.

The case diary reveals prima facie incriminating material against the accused petitioner, subject, however, to final outcome of the detailed investigation into the case.

Therefore, this Court is of the considered opinion that further continuation of detention of the accused petitioner in the interest of the ongoing investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** only with one surety of like amount to the satisfaction of the learned **S.D.J.M.,(M), Naharkatia, Dibrugarh** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the investigating officer as and when required;
- ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any person who is acquainted with the facts of the case so as to dissuade him from disclosing such facts to the investigating officer or to the Court.

Breach of any of the above conditions shall render cancellation of the bail in accordance with law.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant