

GAHC010126522023



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

Case No. : Bail Appln./2139/2023

MD MIZANUR RAHMAN AND 6 ORS
S/O LATE INTAJ ALI
R/O VILL- NO. 2 ISLAMPUR
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM

2: MD. NAZIBUR RAHMAN
S/O HABIJUL RAHMAN
R/O VILL- 2 NO. SONAPUR
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM

3: MD. MOTIBUR RAHMAN
S/O GIYASUDDIN
R/O VILL- 2 NO. SONAPUR
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM

4: MD. SAMSUL HAQUE @ HOQUE
S/O SAMOR ALI
R/O VILL- 2 NO. SONAPUR
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM

5: MD. MOJIBUR RAHMAN
S/O LATE MOHAMMAD ALI
R/O VILL- 2 NO. SONAPUR
P.S. BIHPURIA
DIST. LAKHIMPUR

ASSAM

6: MD. SAIDUL ISLAM
S/O MD. ABDUL MUJID
R/O VILL- 1 NO. AHMEDPUR
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM

7: MIJANUR RAHMAN
S/O HABIBUR RAHMAN
R/O VILL- 1 NO. AHMEDPUR
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. M ALAM
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28-06-2023

Heard Mr. A Alam, learned counsel for the petitioners and Mr. Danesh Das, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioners, namely, **1) Md. Mizanur Rahman, 2) Md. Nazibur Rahman, 3) Md. Motibur Rahman, 4) Md. Samsul Haque @ Hoque, 5) Md. Mojibur Rahman, 6) Md. Saidul Islam and 7) Mijanur Rahman** are seeking bail in **Bihpuria P.S. Case No.96/2023** registered under Sections 120(B)/406/420/489(A)/489(C)/489(D)/34 IPC corresponding to G.R. No.506/2023 in which they are in custody since 25.05.2023.

As per the FIR of the case, on 25.05.2023, an ejahar was lodged before the Bihpuria Police Station stating that on the basis of reliable and specific information from source, the persons named in it are dealing with fake Indian currency in the Bangalmara Bazar area and after following the due process, with the help of police personnel from the said police station as well as 13th APBN Staff could apprehend them and did not find any such fake currency during their search. However, in interrogation those persons named in the said ejahar confessed that they along with other accused persons named therein in a group made fake Indian currency and fake gold like counterfeit statue of Jesus Christ, gold boat and that during interrogation, one apprehended accused led the police team along with the staff and conducted raid and search in the house of one Mustafizur Rahaman, Mizanur Rahman, Sabbir Hussain and Md. Sahabur Islam, recovered two numbers of monitor, one laptop, one UPS three CPUs, five printers and seized those articles that were used for making fake Indian currency notes. The same was accordingly registered as Bihpuria P.S. Case No.96/2023 under Sections 120(B)/406/420/489(A)/489(C)/489(D)/34 IPC corresponding to G.R. No.506/2023.

It is also stated by the learned counsel for the petitioners that a new Superintendent of Police took over the charge of Lakhimpur district on his transfer from Nagaon, who specified that he and the police personnel of Lakhimpur district will work relentlessly against all forms of anti-social and illegal activities, particularly targeting fake currency and fake gold, proclaiming that it is a time for some action indicating his determination to tackle the said issue. On such vow of the Superintendent of Police of the district Mr. HRA Choudhury, learned senior counsel submits that the petitioners and many others who were involved earlier in similar case surrendered themselves before police in the said **Bihpuria P.S. Case No.96/2023** and accordingly they were apprehended and kept in custody since 25.05.2023.

With regard to the petitioner No.1 Mr. Das, learned APP stated that he is involved in the business of fake gold and fake currency along with co-accused Sarir Hussain and Mustafizur Rahman, but nothing was seized and recovered from his possession.

With regard to petitioner No.2 Mr. Das stated that for his involvement in the alleged crime of fake currency and fake gold he was earlier arrested and presently doing contract work in Arunachal Pradesh and later surrendered before police and nothing was recovered and seized from him.

With regard to petitioner No.3 Mr. Das stated that he is an FIR named accused and he was

involved in the illegal trade of fake gold and fake currency 8-9 years back with co-accused Atikul and earned more than Rs.20-25 lacs but he was arrested earlier in such cases and surrendered later and no recovery and seizure was made from this petitioner.

With regard to petitioner No.4 Mr. Das stated that he is an FIR named accused involved in the business of illegal trade of fake gold and fake currency with accused Badrul Islam who expired. The said accused stated that he has given up such illegal trade and surrendered before police and nothing was recovered and seized from him.

With regard to petitioner No.5 Mr. Das stated that he is an FIR named accused previously involved in the business of fake gold and fake currency with deceased Badrul and was in jail for such offence two years back. Later surrendered in this case, but no recovery and seizure was made from him.

With regard to petitioner No.6 Mr. Das stated that he is an FIR named accused earlier involved in the business of fake gold and fake currency and currently runs a grocery shop and later surrendered before police in this case and no recovery and seizure was made from him.

With regard to petitioner No.7 Mr. Das from the case diary submitted that he is an FIR named accused implicated by Masfikur Rahman and Sahabul Islam and printer monitor, CPU cable set software items and laptop were seized from this petitioner that were used for printing of fake currency.

After hearing the learned counsels for the parties, considering the materials in the case diary and the period of detention of the petitioners in custody in said **Bihpuria P.S. Case No.96/2023**, the Court is of the view that further custodial detention of the petitioners are not warranted to investigate said **Bihpuria P.S. Case No.96/2023**. As such, this bail application of the petitioners in said Bihpuria P.S. Case is accepted.

Accordingly, the petitioners, namely, **1) Md. Mizanur Rahman, 2) Md. Nazibur Rahman, 3) Md. Motibur Rahman, 4) Md. Samsul Haque @ Hoque, 5) Md. Mojibur Rahman, 6) Md. Saidul Islam and 7) Mijanur Rahman**, be released on bail in said **Bihpuria P.S. Case No.96/2023**, on furnishing a bail bond of Rs.1,00,000/-, each with 2 (two) local sureties each, of the like amount, one of which shall be a Government employee (Either State or Central Government) to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur on conditions that the petitioners shall – **(i)** appear before the Investigating Officer of

said **Bihpuria P.S. Case No.96/2023** on every Monday during the office hours, in the week commencing from 10.07.2023 for the next 10 (ten) weeks and thereafter, as and when they are required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the **Bihpuria 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)** they shall 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, failing which, the bail granted to them in the aforesaid **Bihpuria P.S. Case No.96/2023** shall stand automatically vacated.

Further, the petitioners shall not indulge in similar offence or any other criminal offences in future; failing which, the bail granted to them in said **Bihpuria P.S. Case No.96/2023** shall stand automatically vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant