

GAHC010139262023



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

**Case No. : Bail Appln./2264/2023**

DILIP DAS  
S/O- LATE GOPAL DAS, R/O- UTTAR LUMDING, RAMKRISHNA PATH,  
LUMDING, P.O. AND P.S. LUMDING, DIST.- HOJAI, ASSAM

VERSUS

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

**Advocate for the Petitioner : MR. N HASAN**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 19.07.2023**

Heard Mr. N. Hasan, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioner, namely, Dilip Das, who

has been detained behind the bar since 23.05.2023 (58 days) in connection with Lumding P.S. Case No. 119/2023 under Sections 120(B)/379/407/411 of the IPC read with Section 7 of the E.C. Act read with section 23 (b) of the Petroleum Act.

The accusation in this case is that on 23.05.2023, one Bijoy Sarmah, lodged an FIR before the Officer In-charge, Lumding Police Station, inter-alia, alleging that the present petitioner was apprehended with stolen diesel and in oil tanker which was being driven by the present petitioner and on receipt of the said FIR Lumding P.S. Case No. 119/2023 was registered.

Learned counsel for the petitioner submits that the petitioner was only the driver of the truck which was seized in connection with this case and he has already been behind the bar last 58 days.

On the other hand, learned Additional Public Prosecutor produced the case diary which was called for and submits that there are incriminating materials against the present petitioner, however there are other co-accused persons who are yet to be arrested.

I have considered the submissions made by the learned counsel for both the sides.

Though, there are incriminating materials against the present petitioner and other co accused, however considering the fact that the statement of the present petitioner has already been recorded under section 161 CrPC by Investigating Officer and that he has already been detained behind the bar for last 58 days, his further custodial detention may not be necessary for the sake of fair completion of Lumding P.S. Case No. 119/2023.

In view of the above, the petitioner, namely, Dilip Das is allowed to go on bail on furnishing of bail bond of Rs. 30,000/- (Rupees Thirty Thousand only)

with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Hojai, subject to the condition that:

1. That the petitioner shall continue to co-operate with the Investigating Officer of this case.
2. The petitioner 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 him or her from disclosing such facts to the Trial court.

With the above observations, this bail application is accordingly disposed of.

**JUDGE**

**Comparing Assistant**