

GAHC010145672023



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

**Case No. : AB/2339/2023**

MOHIBAR RAHMAN  
S/O LATE MOBARAK ALI  
R/O VILL- CHENGA  
P.S. TARABARI  
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. R ALI**

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

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

**ORDER**

**Date : 24-07-2023**

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Ms. S.H. Borah, learned Addl. P.P., Assam appearing for the State respondent.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner Mohibar Rahman who is apprehending arrest in connection with Basistha P.S. Case No. 347/2023 under Sections 120-B/420/511/498(A)/489(C) of IPC corresponding G.R. Case No. 4345/2023.

The accusation in this case is that on 17.06.2023 one Kapil Pathak, S.I. of Police of Jorabat Out post under Basistha P.S. lodged an FIR, inter-alia, alleging that on 17.06.2023 an information was received regarding involvement of un-known miscreants in between Jorabat area dealing in fake currency note. Accordingly, the first informant along with police party proceeded from Jorabat Police out post to Jorabat and undertake patrolling near Ganesh Mandir area. During patrolling duty at about 02:45 P.M. the present petitioner was apprehended and from his possession total 4900 numbers of suspected fake Indian Currency note were recovered. The said fake Indian Currency note were seized and the present petitioner was apprehended and Basistha P.S. Case No. 347/2023 was registered.

The learned counsel for the petitioner has submitted that the petitioner is not in any way involved in the offence alleged in the FIR. It is also submitted that the petitioner is a petty businessman by profession and presently residing in a rented house at Saru Motoria and he is ready and willing to co-operate with the investigation if he is allowed to go on anticipatory bail.

However, on 21.06.2023, the police from Jorabat P.S. came to his rented house a for searching him along with main accused Jiaur Rahman and have broken the lock of the rented house of the present petitioner and also ransacked the room but nothing could be found there from.

The learned counsel for the petitioner also submits that he has been falsely implicated in this case by the main accused Jiaur Rahman and that he has no criminal antecedent. On the other hand the learned Addl. P.P. has submitted that the offence of dealing in fake Indian Currency Note is committed in an organised manner and the same has caused huge loss to the economy and there are incriminating materials against the present petitioner in the C.D. and has placed the C.D. of Basistha P.S. Case No. 347/2023 for perusal of this Court.

I have considered the submission made by the learned counsel for the both the sides and have perused the C.D. of Basistha P.S. Case No. 347/2023. On perusal of the C.D. it appears that there are incriminating materials against the present petitioner in the C.D. which does not justify issuance of order under Section 438 of the Code of Criminal Procedure in favour of the present petitioner at this stage. Hence, the prayer for anticipatory bail is hereby rejected.

Send back the Case diary.

**JUDGE**

**Comparing Assistant**