

GAHC010148312023



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

Case No. : AB/2364/2023

JIBAN DAS
S/O SRI AKHIL DAS, R/O GHAHIGAON, P.S.-GOHPUR, DIST-SONITPUR,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. L GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.08.2023

Heard Mr. L. Gogoi, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Jiban Das**, in connection with **Gohpur**

P.S. Case No. 118/2023(corresponding to G.R. Case No. 162/2023), registered under Section **379/411 IPC r/w Section 53(1)(a) of Assam Excise Act.**

It is submitted by the learned counsel for the petitioner that some liquor was recovered from the house of the petitioner which he kept inside his house to celebrate a party with his friends. It is also submitted that the petitioner has not committed such offence as alleged in the FIR. At this juncture, custodial interrogation of the petitioner is not required. Hence, the benefit of pre-arrest bail be granted to the petitioner.

On the other hand, Mr. Sarma, learned Additional Public Prosecutor for the State has opposed in granting the privilege of pre-arrest bail to the petitioner. It is also submitted that there is an allegation against the petitioner that he is a habitual offender and involved in such type of offences. The Addl.P.P. further submitted that the petitioner illegally stored huge quantity of Arunachallee liquor in his house or shop to sell it. Therefore, the prayer of the petitioner may not be considered at this stage.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the facts as well as the materials available in the case diary, this Court finds that custodial interrogation of the petitioner is not required, therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioners, named above, in connection with **Gohpur P.S. Case No. 118/2023(corresponding to G.R. Case No. 162/2023),** registered under Section **379/411 IPC r/w Section 53(1)(a) of Assam Excise Act,** he shall be released on furnishing bail bond of **Rs.10,000/-** with a **suitable surety** of

the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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 from disclosing such facts to the Court or to any police officer.

(c) shall not commit such offence as alleged in the FIR in future.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant