

GAHC010149322023



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

Case No. : AB/2370/2023

GAKUL DAS
S/O- SRI TULSI DAS, RESIDENT OF VILLAGE- ASHAPUR NATUN GAON,
POST OFFICE- LEPETKATA, POLICE STATION BARBARUAH, DISTRICT-
DIBRUGARH, ASSAM, PIN- 786006

VERSUS

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

Advocate for the Petitioner : MR. N N B CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-07-2023

Heard Mr. N.N.B. Choudhury, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Gakul Das**,

apprehending his arrest, is seeking pre-arrest bail in Namrup Police Station Case No. 38/2023 registered under Sections 120(B)/406/409/420/380/34 IPC read with Section 7 of the Essential Commodities Act.

The petitioner is the Secretary of M/s Laruah Gaon Panchayat Samabai Samiti, who earlier approached this Court for his pre-arrest bail in said Namrup P.S. Case No. 38/2023 in AB No. 1826/2023. Initially, by order dated 23.05.2023, the Court granted interim bail to him in said Namrup P.S. Case No. 38/2023. Later, the Court after perusal of the case diary, by order dated 22.06.2023 rejected said pre-arrest bail application of the petitioner passed in said AB No. 1826/2023.

This is second pre-arrest bail application of the petitioner in said Namrup P.S. Case No. 38/2023.

Matter relates to malpractices and illegal acts by the office bearers of M/s Namrup Gaon Panchayat Samabay Samiti and the NFSA transporters of M/s Laruah Gaon Panchayat Samabai Samiti, Ghuronia, Dibrugarh.

Case diary indicates that there is a big racket of diversion of highly subsidized TPDS rice in the open market which is detrimental to the poor consumers whereby the Central Government supplied NFSA rice to the various Gaon Panchyat Samabay Samities (GPSS) for distribution of subsidized rice to the beneficiaries under the GPSS.

Case diary reveals that during the enquiry of such malpractices and illegal acts with regard to transportation of TPDS rice as well as NFSA rice to the beneficiaries of Namrup GPSS under Dibrugarh District, the Laruah GPSS used to procure such subsidized rice from the FCI godown and used to deliver it to Namrup GPSS while taking their own rice as well as the rice meant for Namrup GPSS. Such malpractices and illegal acts regarding diversion of NFSA rice and TPDS rice supplied to Namrup GPSS were continued for long.

From the case diary, it is seen that the arrested accused and the other accused persons of the case implicated the petitioner with regard to the malpractices and illegal activities regarding the diversion of such subsidized rice given to the beneficiaries to be distributed through concerned GPSSs.

It is also seen that the petitioner appeared before the concerned Investigating Officer of said Namrup P.S. Case No. 38/2023 on 26.05.2023 and his statement was also recorded and he admitted the fact that by an agreement, the Laruah GPSS entrusted one Manilal Sah to procure rice from the FCI godown for its transportation to Laruha GPSS which was also followed by the Namrup

GPSS.

Case diary reveals that most of the transporters including the transporters of Namrup GPSS are serving under the petitioner including the accused Manilal Sah. Later, the petitioner as well as the accused Manilal Sah produced some of the drivers of the concerned transporting vehicles along the relevant documents before the concerned Investigating Officer of the case.

Considering the above and the materials available in the case diary, the Court is of the view that custodial interrogation of the petitioner, named above, is not warranted to investigate said Namrup P.S. Case No. 38/2023. As such, this pre-arrest bail application of the petitioner is accepted.

Accordingly, in the event of arrest of the petitioner, namely, **Gakul Das**, in said Namrup P.S. Case No. 38/2023, he shall be released on bail on furnishing a bail bond of Rs.1,00,000/- with 2 (two) local sureties of the like amount, where one of them should be a Government Employee (either State or Central Government), to the satisfaction of the arresting authority, subject to the conditions that the petitioner shall - (i) appear before the concerned Investigating Officer of said Namrup P.S. Case No. 38/2023 **on or before 07.08.2023** and thereafter, as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of said Namrup Police Station, without obtaining prior written permission from the concerned I/O of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case, (iv) not indulge in any similar offence or any other criminal offences in future and (iv) not, directly or indirectly, make any inducement, threat to the victim, any of her family members or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the pre-arrest bail granted to him in said Namrup P.S. Case No. 38/2023 shall stand automatically vacated.

Accordingly, this pre-arrest bail application stands allowed to the extent above.

Return the case diary

JUDGE

Comparing Assistant