

GAHC010161472023



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

Case No. : Bail Appln./2588/2023

MUZIBUDDIN AHMED @ MD. MUJIBUDDIN AHMED
S/OLT. YOUSUF ALI
R/O VILL- BETKUCHI,
NEAR NATIONAL PUBLIC SCHOOL,
P.S. GORCHUK
DIST. KAMRUP (M), ASSAM
PIN-781035

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. SK N MOHAMMAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

10.08.2023

Heard Mr. Sk. S.N. Mohammad, learned counsel for the accused petitioner.
Also heard Mr. M. Phukan, learned Public Prosecutor, Assam appearing for the

State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioner, namely **Muzibuddin Ahmed @Md. Mujibuddin Ahmed** has prayed for grant of bail in connection with **Vigilance P.S. Case No.04/2023** under Sections **120B/420/406/409** of the IPC read with Sections **13(1)(a)/13(2)** of the P.C. Act, 1988.

The case diary, as called for, is placed before the Court.

The prosecution case, in brief, is that on 22.06.2023, one Durlav Nath, General Secretary, All Sonitpur District Fair Price Shop Dealers Association lodged an F.I.R. before the Chief Minister of Assam, alleging that 2418.20 quintals of rice was allotted against 10173 ration card holders of 25051 persons under Dhekiajuli Constituency under Pradhan Mantri Garib Kalyan Yojana for the months of June and July, 2023 relating to Dhekiajuli town and Mijibari Samabai Samiti. But, instead of distributing the allotted rice amongst the ration card holders the Secretary and other officials of the Society sold the same at high rate and thereby misappropriated Rs.2 crores.

It is noticed that the accused petitioner has been in judicial custody since 11.07.2023, that is, for 31 days.

Perusal of the case diary reveals that the accused petitioner, who is the then Superintendent, FCS and CA, Sonitpur, admitted that he had not asked for the government cheque books during the handing and taking over charge from the outgoing DDS, Sh. Bharat Bordoloi. But, during investigation when the rented premises of transporter Sh. Surajit Senapati was searched, three government cheque books were found in his possession. Surajit Senapati stated that those cheque books were handed over to him by the accused petitioner.

Upon hearing the learned counsel for both sides and considering the pros and cons of the materials available on the case diary in its entirety, this Court is of the opinion that further continuation of detention of the accused petitioner in the interest of the ongoing investigation may not be required.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.50,000/- (Rupees Fifty Thousand)** only with one surety of like amount to the satisfaction of the learned **Special Judge, Assam** subject to the following conditions-

- i) That the accused petitioner shall cooperate with the Investigating Officer as and when required; and
- ii) That the accused 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 from disclosing such facts to the Police Officer or the Court.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant