

GAHC010166612023



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

Case No. : AB/2621/2023

BIDHU BHUSAN NATH
S/O BINOD NATH VILL. AND P.O. LALPANI P.S. KATLICHERRA DIST
HAILAKANDI ASSAM PIN 788161

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H I CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

29.08.2023

Heard Mr. A.S. Tapader, learned counsel for the applicant and also heard Ms. S.H. Bora, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C., is preferred by applicant, namely, Bidhu Bhusan Nath, who has been apprehending arrest in connection with Katlichera P.S. Case

No.100/2023, under Sections 379/411 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one S.I. Prakash Nath on 11.06.2023. The essence of allegation made in the FIR is that acting on a tip off, the informant along with police staff conducted search in the grocery shop of one Debabrata Paul and recovered 60 nos. of gunny bags containing foreign origin betel nuts (Burmese) kept concealed in a room under his grocery shop and the same are suspected to be stolen.

4. Mr. Tapader, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant vide order dated 31.07.2023 and pursuant to the said order, he had appeared before the I.O. and his statement is recorded and he has been cooperating with investigating agency. Mr. Tapader further submits that the name of the applicant find no mention in the FIR, but the person named in the FIR, namely, Debabrata Paul has implicated him out of business rivalry and that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 31.07.2023 absolute, in the same terms and conditions.

5. On the other hand, producing the case diary before this Court, Ms. S.H. Bora, learned Additional Public Prosecutor submits that the investigation of the case has almost been completed and there remains to collect one report as to whether the seized betel nuts are of foreign origin or not.

6. Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Ms. Bora, learned Additional P.P.

7. It appears from the case diary that the material part of the investigation is almost over and the applicant has been extending cooperation with the investigating agency by appearing before the I.O. pursuant to the order of this Court dated 31.07.2023.

8. In view of above, custodial interrogation of the applicant seems to be not warranted here in this case and accordingly, this Court is inclined to make the interim

order dated 31.07.2023 absolute, in the same terms and conditions.

9. In terms of above, this anticipatory bail application stands disposed of.
10. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant