

GAHC010186162023



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

Case No. : AB/2914/2023

ABUL HASHIM @ HASIM ALI
S/O KAJI ABED ALI A PERMANENT R/O VILL. GEHUA CHALCHALI P.S.
RUPAHIHAT DIST NAGAON ASSAM PIN 782124

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A N IQBAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.10.2023

Heard Mr A N Iqbal, learned counsel for the applicant. Also heard Mr K Baishya, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Rupahihat PS Case No. 345/2023, under Sections 120(B)/379/411/201/ 406/420/34 IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by the applicant, Md Abul Hashim @ Hasim Ali, 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 SI Dipankar Chetia of Rupahihat Police Station, on 29.07.2023. The essence of allegation made in the FIR is that on 29th July, 2023, at about 06:30 pm, acting on a tip off the informant apprehended a truck, bearing Registration No. AS-28-AC-1002, which was being parked near the PWD Road, Saidoria and on checking the vehicle, the informant has found 55 bags of suspected Burmese Supari, being concealed in the vehicle with the help of some cartons of biscuits and seeing the informant, the driver of the said vehicle fled away.

4. Mr Iqbal, learned counsel for the applicant submits that the applicant has been granted the privilege of interim pre-arrest bail by this Court, vide order dated 23.08.2023 and pursuant to the said order, the applicant has appeared before the IO and he has been cooperating with the Investigating Agency and therefore, Mr Iqbal contended to make the interim order, dated 23.08.2023, absolute in the same terms and conditions.

5. On the other hand, Mr K Baishya, learned Additional Public Prosecutor has produced the case diary before this court and submits that material part of the investigation is almost over and the case is pending for collection of FSL Report and also the report in respect of evading of GST.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of Mr Baishya, learned Additional Public Prosecutor.

7. It appears that the applicant was granted the privilege of interim pre-arrest bail vide order dated 23.08.2023 and pursuant to the said order, he has appeared before the IO and he has been extending cooperation with the Investigating Agency. Further, it appears from the Case Diary that material part of the investigation is almost over and there remains to collect the FSL Report and the report in respect of evading of GST.

8. In view of above, custodial interrogation of the applicant seems to be not warranted

here in this case and, therefore, the interim order dated **23.08.2023**, is hereby made absolute in the same terms and condition.

9. In terms of above this AB stands disposed of.

10. The case diary be returned.

JUDGE

Comparing Assistant