

GAHC010198462023



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

Case No. : Crl.Rev.P./376/2023

MERAZUL ISLAM
S/O HATE HETEM ALI
VILL- SAKMAL, P.O. RAJABALA
P.S. PHULBARI
DIST. WEST GARO HILLS, MEGHALAYA
MOBILE NO. 94355-64400

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MOTIUR RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

11.09.2023

Heard Mr. M. Rahman, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. P.P. for the State respondent.

2. The petitioner, Merazul Islam is aggrieved by the order dated

28.08.2023, passed by the learned Additional District and Sessions Judge No. 1, Kamrup [M] at Guwahati, passed in Misc. Case [Crl.] No. 130/2023, arising out of Jalukbari PS Case no. 269/2023.

3. It is to be noted here that vide judgment and order dated 28.08.2023, the learned court below has allowed the petition filed by the petitioner seeking custody of the vehicle bearing registration No. ML-05-Z-1470, on the condition of furnishing a Bank guarantee of Rs. 6,00,000/- amongst others.

4. Mr. Rahman, learned counsel for the petitioner submits that the petitioner is the registered owner of the vehicle bearing registration No. ML-05-Z-1470, which was seized by the police in connection with the Jalukbari PS Case no. 269/2023 and thereafter, the petitioner has filed one petition before the court below, upon which Misc. Case [Crl.] No. 130/2023 has been registered and after hearing both the parties, the learned court below has allowed the petition and directed to release the vehicle, imposing certain conditions and also on the condition of furnishing a bank guarantee of Rs. 6,00,000/-. Mr. Rahman further submits that the petitioner is not in a position to furnish bank guarantee of Rs. 6,00,000/- and therefore, he could not take the vehicle in his custody and approach this Court by filing the present petition.

5. Whereas, Mr. Borthakur, learned Addl. P.P. submits that while maintaining the other conditions imposed by the learned court below, the condition of furnishing bank guarantee of Rs. 6,00,000/- from a Nationalized Bank in favour of the court may be modified, so that the petitioner can take the vehicle in his custody.

6. Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition as well as the documents

placed on record and also perused the impugned order dated 28.08.2023.

7. It appears that apart from imposing some conditions, the learned court below has imposed a condition upon the petitioner that on furnishing bank guarantee of Rs. 6,00,000/- from a Nationalized Bank. As the petitioner is not in a position to furnish the aforesaid bank guarantee and consequently he could not take the vehicle in his custody, this Court is inclined to modify the aforesaid condition. It is provided that the vehicle shall be released in favour of the petitioner on his furnishing an indemnity bond of Rs. 6,00,000/- in favour of the court and to the satisfaction of the IO, while maintaining the other conditions so imposed by the learned court below, as it is.

8. In terms of above, this petition stands disposed of, at this motion stage itself.

JUDGE

Comparing Assistant