

GAHC010204562023



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

Case No. : AB/3143/2023

MD. MINAR AHMED
S/O- LT. ABDUR RAHMAN, PERMANENT RESIDENT OF VILL- SUTARGAON,
P.O.- DOBOKA, P.S. DOBOKA, HOJAI, ASSAM, PRESENT RESIDENT OF
BEHARBARI, M.K. RELATORS, P.O. BEHARBARI, P.S. BASISTHA, DISTRICT-
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

11.10.2023

Heard Mr J I Borbhuiya, learned counsel for the applicant and Mr. P Borthakur, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Crime Branch PS Case No. 1/2022**, under Sections 120(B)/379/411/465/468/471 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Md**

Minar Ahmed, for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by Inspector Jyotimay Dutta, Crime Branch, Guwahati, on 24.01.2022.

4. The essence of allegations made in the FIR is that acting on a tip off the informant had apprehended one Bidyut Sinha from Krishna Nagar under Jalukbari Police Station and during interrogation, he reveals that he along with Biju Thapa of Chandmari, Akbar, Ajmal and few others from different places were involved in illegal betel-nut (supari) smuggling for quite sometime, from Mizoram via Shillong to Guwahati and stocked the same in different parts of Assam without any valid papers and they also prepared fake documents to hoodwink the Police, tax officials and other law enforcing agencies, to escape the legal dragnet and thereby caused loss to the State exchequer.

5. Mr Borbhuiya, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail, vide order dated 13.09.2023, and pursuant to the said order, the applicant had appeared before the IO and his statement is recorded and he has been co-operating with the Investigating Agency and therefore, Mr Borbhuiya contended to make the interim order, dated 13.09.2023, absolute in the same terms and conditions.

6. On the other hand, Mr P Borthakur, learned Additional Public Prosecutor, by producing the case diary before this court, submits that the applicant has been cooperating with the investigating agency and he appeared before the IO, pursuant to order of this Court dated 13.09.2023, and that the investigation has substantially progressed.

7. 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 learned Additional Public Prosecutor.

8. It appears that the applicant has been cooperating with the Investigating Agency, pursuant to order dated 13.09.2023. It also appears that the IO has achieved

substantial progress in the investigation of the case.

9. Under the aforesaid facts and circumstances, and also in view of the stage of investigation, custodial interrogation of the applicant seems to be not warranted here in this case. And therefore, this Court is inclined to make the interim order dated **13.09.2023**, absolute in the same terms and condition.

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

11. The case diary be returned.

JUDGE

Comparing Assistant