

GAHC010221232023



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

Case No. : Bail Appln./3518/2023

ASHUTOSH NATH
S/O LT. SAMBHU CHARAN NATH
VILL- BRAHMANSWASAN PART-I, BLOCK-1,
P.O. BRAHMANSWASAN, P.S. NILAMBAZAR
DIST. KARIMGANJ, ASSAM
PIN-788722

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

11.10.2023

Heard Mr. H.R. Choudhury, learned counsel for the accused-petitioner. Also heard Mr. B. Sarma, learned Addl. PP for the State.

2. This bail application has been filed by the petitioner, namely, **Ashutosh**

Nath, seeking bail in connection with **Nilambazar P.S. Case No. 158/2023** under Sections 120(B)/420/409/379/411 of the IPC read with Section 7 of the Essential Commodities Act. The accused-petitioner was arrested on 19.09.2023 and since then he has been in custody.

3. An FIR dated 19.09.2023 was lodged by the SI of Nilambazar Police Station wherein it was alleged that on 19.06.2023 at about 5.00 PM based on specific inputs received from a reliable source pertaining to certain anomalies occurring with regard to distribution of PDS rice by Gandhai Brahmansahan Co-operative Society (rented Godown), located at Lalpool near FCI godown under Nilambazar Police Station, Karimganj. It is also alleged that the accused persons, named in the FIR, are involved in unfair and corrupt practices of misappropriating PDS rice meant for beneficiaries by distributing low quality rice amongst the beneficiaries by procuring from the local market. The FIR was received and registered at Nilambazar P.S. Case No. 158/2023 under Section 120(B)/420/409/379/411 of the IPC read with Section 7 of the Essential Commodities Act.

4. Pursuant to the FIR being lodged, investigations in the matter was initiated and the accused-petitioner was arrested.

5. This Court vide order dated 03.10.2023 had called for the case diary.

6. Today when the matter is called up, the learned Addl. Public Prosecutor, Assam submits that the case diary is available and has presented it before the Court.

7. The learned counsels for the parties have been heard. Pleadings on record have been perused. The case diary presented before the Court has also been perused.

8. From the case diary, it is seen that the investigations in the matter has progressed substantially and the goods have also been recovered and the petitioner is not shown to be the prime accused. The accused-petitioner is an agent of a Fair Price Shop. The investigations are underway but no charge-sheet has been filed. The case diary does not reveal any incriminating materials against the petitioner. No materials are seen from the case diary that release of the petitioner on bail will hamper the investigation carried on.

9. Under such circumstances, considering the period of detention undergone by the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for investigation in the case.

10. Accordingly, the accused-petitioner, named above, shall be released on bail forthwith, in connection with the aforementioned case on furnishing a bail bond of **Rs. 50,000/- (Rupees Fifty Thousand only)** with one local surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Karimganj, Assam**, subject of course, to the following conditions.

(i) That the accused-petitioner shall appear before the Investigating Officer as and when required;

(ii) That the accused-petitioner shall not hamper or tamper with the investigation in any manner;

(iii) 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 Court or to any police officer; and

(iv) That the accused-petitioner shall not move out the jurisdiction of the Nilambazar Police Station without obtaining written permission from the concerned Investigating Officer of the case.

11. If any of the conditions are found to be violated by the accused-petitioner, the Investigating Officer shall be at liberty to seek recall/cancellation of the bail granted to the accused-petitioner.

12. The bail application is allowed and disposed of.

13. Return the case diary.

JUDGE

Comparing Assistant