

GAHC010234572023



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

Case No. : Bail Appln./3758/2023

MD MUSTAFA @ MUZTAF
S/O HAFIZ UDDIN @ HAIJUDDIN
R/O NO. 1 GAYAN GAON
P.S. DHING
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13-10-2023

Heard Mr. S.M. Mullah, learned counsel for the accused. Also heard Mr. K. K. Parasar, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, namely, Md. Mustafa @ Muztafa, who has been languishing in jail since 14.09.2023, in connection with Moirabari P.S. Case No. 197/2023, under Sections 120(B) /419/ 420 /379/ 411/34 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Jitumoni Das, ASI of Moirabari P.S, on 13.9.2023.

The essence of allegation, made in the FIR, dated 13.9.2023, is that acting on a tip off the informant and other staff have checked one dumper, bearing registration No.AS-27-C-0751, which was being parked in front of H.P. Petrol Pump at Sagunbahi and found 4055 kg of suspected Burmese Suparis, concealed under crushed stones and the driver of the vehicle, Md. Mustafa failed to produce any document in respect of the aforesaid suspected Burmese Supari.

Mr. Mullah, learned counsel for the accused submits that the accused was arrested on 14.09.2023, and since then, he has been languishing in jail hazot and that one of the co-accused has been enlarged on bail, by this Court vide order dated 5.10.2023, in B.A.No.3431/2023 and the present accused was also forwarded vide same forwarding report to the judicial custody and he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

On the other hand, Mr. K.K. Parasar, learned Addl. P.P. has produced the case diary before this Court and submits that the I.O has achieved substantial progress in the investigation of the case.

Having heard the submission of learned Advocates for both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Parasar learned Addl. P.P.

It appears from the case diary that the I.O has collected some materials in support of the allegation made in the FIR, against the present accused. However, it appears that the accused is behind the bar since 14.09.2023, and that the I.O has achieved substantial progress in the investigation of the case and balancing the period of detention with the nature of gravity of the offence, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Morigaon, the accused be enlarged on bail.

In terms of above, this bail petition stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant