

GAHC010251872022



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

Case No. : Bail Appln./3407/2022

SABURUDDIN ALI
S/O LATE SIBUR ALI
R/O VILL-KAHIBARI
P.S. BARPETA
DIST. BARPETA, ASSAM
PIN CODE- 781309

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

05.01.2023

Heard Ms. T. Som, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is

preferred by accused, namely, Saburuddin Ali, who has been languishing in jail hazot since 27.11.2022, in connection with the Patacharkuchi P.S. Case No. 380/2022, under Sections 379/420 of the IPC read with section 7 of the E.C. Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by WSI Dipti Gogoi, on 27.11.2022, to the effect that acting on a tip off they have intercepted one vehicle bearing registration No. AS-01-DD-7573, and also apprehended one person namely, Saburuddin Ali with 480 bags of suspected PDS rice.

4. Ms. Som, learned counsel for the accused submits that the accused is behind the bar for last 39 days and that he is a driver only. Ms. Som further submits that one Tiken Das has filed an additional affidavit stating that he is the owner of the said seized rice and to that effect he had enclosed one tax invoice as Annexure-3 and that the rice was duly purchased by the Das Enterprise of Patbaaushi, Barpeta and the same were apprehended while being transported to Shillong, Meghalaya with valid tax invoice and that the sections 379/420 of the IPC read with section 7 of the E.C. Act is not attracted here in this case, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the case is pending only for examination of one Tiken Das and one Rajib Das, the alleged owner of the seized rice bags.

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

7. It appears that the accused has been arrested on 27.11.2022, and since then, he has been languishing in jail hazoot for last 39 days. Further, it appears from the case diary that the investigation in respect of the present accused is almost completed and his further custodial detention seems to be unwarranted in the interest of

investigation.

8. Accordingly, it is provided that on furnishing a bond of Rs. 25,000/- (Rupees twenty five thousand) only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bajali, the accused be enlarged on bail.

8. In terms of above, this bail application stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant