

GAHC010269622023



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

Case No. : Bail Appln./4401/2023

MD SHABAD ALI
S/O SAYED AHMED
R/O VILL- KAIRANA
P.O. SHRAMALI
P.S. KAIRANA
DIST. SHAMALI
UTTAR PRADESH-247774
PRESENTLY RESIDENT OF VILL- AZARA
DIST. KAMRUP (M), ASSAM
PIN-781017

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

08.12.2023

Heard Mr. R. Sarma, learned counsel for the accused and Mr. K.K. Parasar, 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, **Md. Shabad Ali**, who is languishing in jail hazot since 18.10.2023, in connection with the **Azara P.S. Case No. 220/2023**, under Section 25[1A] of the Arms Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by N. Alexander, on 17.10.2023. The essence of allegations made in the FIR is that on that day at about 7:57 Hrs, 2 numbers of live Ammunition of 32 MM [marked as 7.65] caliber were recovered from hand bag of the accused, at Security Hold Area of LGBI Airport, Guwahati, who was travelling from Guwahati to Imphal.

4. Mr. Sarma, learned counsel for the accused submits that the accused was arrested on 18.10.2023, and since then he has been languishing in jail hazot for last 53 days. Mr. Sarma further submits that the mandatory period for the offence under Section 25[1A] of the Arms Act is 60 days and there remains only 7 days to elapse the mandatory period and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Parasar, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the material part of investigation is almost over and there remains to collect FSL report only.

6. 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.

7. It appears that the accused was arrested on 18.10.2023 and since then, he has been languishing in jail hazot for last 53 days. Further, it appears from the case diary that the material part of investigation is almost over and there remains to collect FSL report only and as such, further custodial detention

of the accused seems to be unwarranted here in this case.

8. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup (M) at Guwahati**, the accused be enlarged on bail.

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

10. The case diary be returned.

Comparing Assistant

JUDGE