

GAHC010270502023



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

Case No. : Bail Appln./4383/2023

CHANCHAL DEY
S/O- SRI MONORANJAN DEY, R/O- BARUKATI, P.S. BHURAGAON, DIST.-
MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.12.2023

Heard Mr. P.J. Saikia, learned counsel for the accused and also heard Mr. D. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Chanchal Dey, who has been languishing in jail hazot since 13.10.2023, in connection with

Bhuragaon P.S. Case No.119/2023, under Section 120B/420/379/411/409/34 IPC read with Section 7 of the E.C. Act, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Dhiren Bora, ASI of police of Bhuragaon P.S. on 13.10.2023. The essence of allegation made in the aforesaid FIR is that acting on a tip off, the informant along with other police staff conducted search in the house of Chanchal Dey of Barukati village and found many sacks of rice stocks in the varanda of his house and when asked he could not produce any document of the said stock, which were suspected to be of PDS rice and during interrogation Chanchal Dey reveals that one Saiful Islam and Md. Hasen Ali, the President and Secretary of Bhuragaon Samabay Samiti are involved in the case and accordingly, the house of said two persons were also searched and they were taken into custody and 170 bags of rice recovered from the house of Chanchal Dey in a Truck, bearing Registration No.AS-25-0245 and seized the same in presence of witnesses.

4. Mr. Saikia, learned counsel for the accused, submits that the accused was arrested on 13.10.2023, and since then he has been languishing in jail hazot for last 52 days and that the co-accused persons have already been enlarged on bail by this Court vide order dated 18.11.2023, in Bail Appln. No.4193/2023, and maintaining parity with the aforesaid accused, Mr. Saikia contended to release the present accused on bail.

5. On the other hand, Mr. D. Das, learned Additional Public Prosecutor has produced the case diary before this Court and submits that 170 bags of PDS rice were recovered from the house of the present accused and the materials collected so far in the case diary reveals that he has purchased the same from the co-accused Saiful Islam and Md. Hasen Ali. Mr. Das further submits that the investigation of the case is almost completed.

6. Having heard the submission of learned Advocates for both the 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. Das, learned Additional P.P.

7. Indisputably, the accused is behind the bar for last 52 days and though the I.O. has collected some materials in support of the allegation made in the FIR, yet it appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case. And as such, further custodial detention of the accused seems to be not warranted here in this case for the purpose of investigation. Accordingly, this Court is inclined to

allow this petition. It is provided that on furnishing a bond of ₹ 50,000/- (Rupees Fifty Thousand) with one surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Morigaon, the accused be enlarged on bail.

8. In terms of above, this petition stands disposed of.
9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant