

GAHC010278202023



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

Case No. : Bail Appln./4500/2023

HITESH DAS
S/O GOBINDA DAS
R/OVILL- CHITKAGAON
P.O. CHAPRAKATA
P.S. AND DIST. BONGAIGAON, ASSAM, PIN CODE-783380

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD. I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 15.12.2023

Heard Mr. I. Hussain, learned counsel for the petitioner Hitesh Das. Also heard Mr. B.B. Gogoi, learned Addl. P.P., for the respondent State.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as he has been arrested on 30.11.2023 in connection with Bongaigaon P.S. Case No. 458/2023 registered under Sections 379/381/406 of IPC, read with Section 7 of E.C. Act.

The learned counsel for the petitioner has submitted that the prime accused of this case has already been released.

The FIR unfolds that on 29.10.2023 as per secret information, the RPF of New Bongaigaon along with CIB, Rangia had detained one vehicle bearing registration No. NL-01N-7273 which carried HSD Oil from BRPL to Railway Consumer Depot, New Bongaigaon. The investigating team called for a joint verification from the officers from IOCL/ Bongaigaon. During joint verification it was found that as per invoice a total of 24KL HSD Oil was loaded from IOCL, Bongaigaon on 17.10.2023 in the said tanker. But on physical verification it was found that 2 (two) chambers out of five chambers of the vehicle were empty, and 14132 ltrs of HSD oil was found in the remaining three chambers and about 9868 ltrs HSD Oil was found to be missing. Accordingly, they apprehended the driver Sonallah Sk who was driving the tanker since March, 2023. The owner of the tanker was Mahender Singh. Sonallah Sk confessed that on 27th October he reached at RCD NBQ for unloading the said tanker. In the intervening night of 28 & 29/10/2023 the driver handed over the keys to one Hitesh @ Hitu. On 29.10.2023 at about 5-30 AM, the driver came in front of RCD for unloading the tanker. Subsequently, Sonallah Sk was taken to custody on suspicion that he was involved in such mal-practice of pilferage of HSD Oil in the manner described above.

I have perused the C.D. Investigation has progressed. However, considering the length of detention, further detention of the petitioner for custodial interrogation does not appear to be necessary.

Considering all aspects of the matter, the petitioner is enlarged on bail on executing a bail bond of Rs. 30,000/- (Rupees thirty thousand) only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon under the condition that :-

- i. The petitioner shall not leave the territorial jurisdiction of the Trial Court without prior permission till completion of the trial;
- ii. The petitioner shall refrain from such activities with which he is alleged, failing which, his bail order shall stand cancelled.

The bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant