

GAHC010000182024



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

Case No. : Bail Appln./41/2024

ROISUL HUSSAIN
S/O- SUKUR ALI, R/O- VILLAGE- RAWARPUR, P.O. MURAJHAR, DISTRICT-
HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. A. MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08-01-2024

1. Heard Mr. A. Medhi, learned counsel for the petitioner Roisul Hussain.
2. The petitioner has filed this application under *Section 439* of the *Code of Criminal Procedure* with prayer for bail as he is behind bars since 24.12.2023 in connection with *Basistha Police Station Case No. 829/2023* under Section 379 IPC read with *Sections 13(1)/16 of the Assam Preservation Act, 2021* read with

Sections 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960.

3. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

4. The FIR unfolds that the petitioner is the driver of the vehicle bearing registration No. *NL-01 AF 7873* loaded with inter-state smuggled cattle.

5. It is submitted that the petitioner was apprehended on the same date and he was forwarded to custody. The vehicle along with the cattle has already been seized in connection with this case.

6. I have considered that submissions at bar that further custodial detention of petitioner, for the progress of the investigation may not be required. I have also considered the submissions that the petitioner is a local resident and he is willing to cooperate with the investigation.

7. Considering all the aspects, petition is allowed.

8. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M) under the following condition:

That the petitioner shall refrain from such activities with which he is alleged, failing which bail order shall stand cancelled.

9. Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant