

GAHC010000472024



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

Case No. : Bail Appln./47/2024

ALAMIN HOQUE AND ANR
S/O- LT. YUNUSH ALI, R/O- BAGHBOR PATHAR, P.S. BAGHBOR, DIST.-
BARPETA, ASSAM

2: MOFIZUL ISLAM
S/O- NOOR ISLAM SEIKH
R/O- KOKRAJHAR
GOSSAINGAON
P.S. GOSSAINGAON
DIST.- KOKRAJHAR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08-01-2024

1. Heard Mr. S. Borthakur, learned counsel for the petitioners *Alamin Hoque*

and Mofizul Islam.

2. The petitioners have filed this under *Section 439 of the Code of Criminal Procedure* with prayer for bail as they are in jail since 12.12.2023 in connection with *Basistha Police Station Case No. 784/2023* under *Section 379 IPC* read with *Section 1(1)/16 of Assam Cattle Preservation (Amendment) Act, 2021*.
3. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.
4. It is submitted on behalf of the petitioners that the petitioner No. 2 is the driver of the vehicle while the petitioner No. 1 was accompanying him in the vehicle.
5. The FIR unfolds that the vehicle bearing registration No. *AS-27-C-6572* loaded with 30 (thirty) cattle was involved in illegal and inter-state smuggling of cattle.
6. I have considered the submissions at the bar that investigation may have presumably progressed to a considerable extent. On the day of interception itself, the petitioners were apprehended along with the truck and the cattle which were seized in connection with this case.
7. The petitioners are behind bars for 27 (twenty seven) days.
8. I have also considered the submission that further custodial detention for the progress of the investigation may not be required.
9. The petitioners are local residents and they are willing to cooperate with the investigation as well as with the trial.
10. Considering all aspects, petition is allowed.
11. The petitioners are enlarged on bail on furnishing a bail bond of

Rs.30,000/-(Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M) under the condition:

That the petitioners shall refrain from such activities with which they are alleged, failing which bail order shall stand cancelled.

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

JUDGE

Comparing Assistant