

GAHC010002072024



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

Case No. : AB/60/2024

SHOHIDUR ISLAM @ SAHIDUR ISLAM
S/O- LATE GOLAM HUSSAIN A RESIDENT OF VILL- BHURAKATA, P.S-
MANKACHAR, P/O- RADHAMADHAB HAT, P.S- MANKACHAR, DIST -
SOUTH SALMARA- MANKACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. M A I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 01-02-2024

Heard Mr. M. A. I. Hussain, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

Apprehending arrest in connection with Mankachar P.S. Case No. 428/2023, under Sections 12/14/15 of the Assam Game and Betting Act, 1970, read with

Sections 353/506 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Shohidur Islam @ Sahidur Islam for grant of pre-arrest bail.

It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by ASI Jaynal Abedin of Kalapani Outpost on 22.11.2023. The essence of allegation made in the FIR dated 22.11.2023, is that acting on a tip off, the informant, along with other police officials conducted search in the areca nuts factory of Sahidur Islam, situated at village Bhurakata, and apprehended one person, namely, Ali Hussain while he was playing cards with some other persons, namely, Zaidul Islam, Nazrul Islam, Rakib Hussain and Kacchu Sk, and recovered two packets of playing cards from the possession of Ali Hussain and also recovered a sum of Rs. 1500/- from his possession and seized the same in present of witnesses.

Mr. Hussain, learned counsel for the applicant submits that pursuant to order dated 10.01.2024 the applicant appeared before the I.O. and he is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 10.01.2024, absolute in same terms and conditions.

Whereas, Mr. B. Sarma, learned Addl. P.P. has produced the case diary before this Court and submits that the applicant had appeared before the I.O and his statement is also recorded.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P.

It appears that the applicant had appeared before the I.O. and he is cooperating with the investigating agency. Further, it appears from the case diary that the I.O. has achieved substantial progress in the investigation of this

case and in the interest of investigation, custodial interrogation of the applicant seems to be not warranted herein this case and therefore, this court is inclined to make the interim order dated 10.01.2024 absolute in the same terms and conditions.

Case diary be returned.

JUDGE

Comparing Assistant