

GAHC010004002024



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

Case No. : Bail Appln./81/2024

DIPANKAR GOGOI
S/O SRI CHITRA GOGOI
R/O VILL- NIZ MANKATA KHANIA GAON, MANKATA, T.E.
P.S. DIBRUGARH
DIST. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 10.01. 2024

Heard Mr. P.J. Saikia, learned counsel for the petitioner, Sri Dipankar Gogoi.

The petitioner has filed this application under Section 439 Cr.P.C. with prayer for bail as he is in jail since 12.12.2023 in connection with Bongaigaon

GRPS Case No. 133/2023 under Sections 120B/ 420/ 379/ 411/ 471 IPC read with Sections 33/ 41/42 of the Assam Forest Regulation Act.

Also heard Mr. D.P. Goswami, learned Addl. Public Prosecutor for the State respondent.

The FIR unfolds that a huge quantity of contraband Burmese Superi (Betel Nuts) was being transported by train and arrived at Platform No.1A at new Bongaigaon Railway Station. It is also alleged that 10 bundles of timber wrapped with gunny sacks suspected to be stolen were recovered from the rear SLR vide No. ER 218648/C while the other 10 bundles of timber wrapped with gunny sacks suspected to be stolen were recovered from the front of SLR vide No. NE 173853/C. On the other hand, 50 plastic sacks of betel nuts suspected to be Burmese betel nuts were recovered from the Power Van of Luggage Brake & Generator Car and a person named Sri Dipankar Gpgoi (petitioner) was found with the recovered sacks of betel nuts suspected to be stolen and he was apprehended for smuggling the recovered sacks of betel nuts and some sacks were found to be of around 20 KGs and some were found to be around 25 KGs.

It is submitted by the learned counsel for the petitioner that the petitioner is a railway employee and he is under suspension. There is no scope of hampering with the investigation or tempering with the evidence of the case.

I have considered the submissions at the Bar.

The petitioner has been behind the bars since 12.12.2023 and investigation has presumably progressed to a considerable extent. It appears that further investigation may not be required the smuggled articles have already been recovered.

In view of the above, the petitioner be enlarged on bail on furnishing a bond of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon under the following conditions that:-

1. the petitioner shall refrain from such activities with which he is alleged,
2. the petitioner shall not default appearance and appear regularly,
3. the petitioner shall not leave the jurisdiction of the Court without prior permission from the jurisdictional Court, till completion of investigation.

On breach of any of the bail conditions, the bail order shall stand cancelled.

Bail application stands disposed.

JUDGE

Comparing Assistant