

GAHC010004942024



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

**Case No. : AB/75/2024**

BHAGABAN BAISHYA  
S/O SIBA RAM BAISHYA  
R/O VILL- 01 NO. NAKUL RANGIA  
P.O. AND P.S. RANGIA  
DIST. KAMRUP, ASSAM  
PIN-781354

VERSUS

THE UNION OF INDIA  
REP. BY THE STANDING COUNSEL, CENTRAL BUREAU OF  
INVESTIGATION (CBI)

**Advocate for the Petitioner : MR S C DAS**

**Advocate for the Respondent : SC, CBI**

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**01.02.2024**

Heard Mr. S. C. Das, learned counsel for the petitioner. Also heard Mr. M. Haloi, learned Special Public Prosecutor, CBI.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of pre-arrest bail to the petitioner, namely, **Bhagaban Baishya**, apprehending arrest in connection with **CBI, ACB, Guwahati Case No. RC0172019A0006 dated 02.07.2019 u/s 120B/409/420/468/471 IPC R/W 13 (2)(c)(d) of PC Act, 1988.**

It is submitted that the petitioner's named is not mentioned in the FIR.

The FIR unfolds that six public servants whose names are mentioned in the FIR and some other unknown accused, during the period of 2014 to 2018 entered into a criminal conspiracy amongst themselves and with other unknown persons to cheat the N.F. Railway with dishonest intention. They prepared, submitted, accepted, passed and disbursed huge amount of money against fake bills relating to advertisement of approved Notice Inviting Tenders (NITs) in various news papers by abusing their official power/position, causing huge wrongful loss to N.F. Railway to the tune of more than Rs.100 crores and wrongful gain to themselves and others. It is further alleged that the public servants have falsely created records to project that they had given NIT advertisement in the newspapers, which were in fact not in circulation at all. They have fraudulently passed more than one bill for the same advertisement. It is further alleged that an amount of Rs.4 crore is sufficient for advertisement for N.F. Railway, Construction Department whereas in this case, more than 10 times of required expenditure was spent by the suspect public servants by adopting unfair modus operandi. It is further submitted that inflated bills were submitted and in this manner more than hundred crores of rupees were procured by the named accused along with the unknown suspects.

Mr. M. Haloi, learned Special Public Prosecutor, CBI has raised objection stating that there are incriminating materials against the petitioner. A written objection has also been submitted against the bail petition. It is submitted that the

petitioner's role has been reflected in the case diary and he is not entitled to anticipatory bail.

I have perused the case diary. Indeed there are incriminating material against the petitioner. The statement of witnesses are not brought to the fore as the investigation is still under progress.

Considering the import of the Section under which the petitioner is booked, it is held that the petitioner is not entitled to anticipatory bail at this juncture.

Accordingly, the pre-arrest bail application stands rejected.

Return the case diary.

This disposes of the anticipatory bail application.

**JUDGE**

**Comparing Assistant**