

GAHC010008522024



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

Case No. : AB/148/2024

SADDAM HUSSAIN
S/O JOHIRUL ISLAM SK.
A RESIDENT OF VILL- SIMULTAPU-I, P.S. GOSSAIGAON, DIST.
KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

30.01.2024

Heard Mr S Nawaz, learned counsel for the petitioner, Saddam Hussain.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Gossaigaon PS Case No. 386/2023, registered under Sections 379/411 IPC, read with Section 13 (1) of the Assam

Cattle Preservation (Amendment) Act, 2021.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.
4. The allegation against the petitioner is that he being the driver was carrying 34 head of cattle in the vehicle bearing Registration No. NL-01-AG-9280.
5. It is submitted on behalf of the petitioner that petitioner was not privy to the fact that the cattle, which he was carrying in the vehicle was allegedly smuggled cattle.
6. I have considered the submission that the petitioner being a local resident is not a flight risk.
7. The petitioner has pledged to cooperate with the investigation.
8. Investigation has also progressed to a considerable extent.
9. Custodial interrogation of the petitioner may not be required.
10. Considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 30,000/-, with a suitable surety of the like amount to the satisfaction of the arresting authority, under the conditions that-
 - i) the petitioner shall refrain from such activities with which he is alleged,
 - ii) the petitioner shall not tamper with the evidence, and,
 - iii) the petitioner shall not jump the bail.

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

11. Bail Application stands disposed of.
12. Send back the Case Diary.

JUDGE

Comparing Assistant