

GAHC010009282024



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

Case No. : Bail Appln./192/2024

BIJOY CHOUDHARY
S/O KUSHO CHOUDHURYR/O VILL- HANGRABARI
LICHU BAGAN,
P.S. DISPUR, GUWAHATI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR N AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 01-02-2024

Heard Mr. N. Ahmed, learned counsel for the petitioner Sri Bijoy Choudhary.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as he is behind bars since

22.12.2023 in connection with Noonmati Police Station Case No. 344/2023 under Section 379 of Indian Penal Code, read with Section 7 of Essential Commodities Act, 1955.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State of Assam.

4. The allegation against the petitioner is that he was found illegally carrying 300 litres of petroleum products in a vehicle bearing registration No. *AS-01-LC-9781* in 14 (Fourteen) gallons.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the case diary. Investigation has progressed to a considerable extent. Further custodial detention for the progress of investigation may not be required. I have considered the submissions that the petitioner is a local resident. It is stated that the petitioner is willing to abide by any bail conditions to be imposed upon him if he is granted bail. The petitioner is willing to cooperate with the trial.

6. Considering all aspects, petition is allowed.

7. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount to the satisfaction of Eleka Magistrate under the conditions:

(i) The petitioner shall refrain from such activities with which he is alleged.

(ii) The petitioner shall not jump the bail.

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission till completion of the trial.

(iv) The petitioner shall cooperate with the investigation as well as with the trial.

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

Send back the case diary.

In the above terms Bail Application stands disposed of.

JUDGE

Comparing Assistant