

GAHC010010252024



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

Case No. : AB/162/2024

KHALIKUZZAMAN LASKAR @ KHALIQUE JAMAN LASKAR
S/O AZFAR ALI LASKAR
VILL- RONGPUR PART-IV, P.S.KATLICHERRA, DIST. HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 15.02.2024

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

2. Apprehending arrest in connection with Katlicherra P.S. Case No. 231/2023, under Sections 120(B)/420/379/411 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Khalikuzzaman

Laskar @ Khalique Jaman Laskar, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by S.I. Billeswar Kalita of Katlicherra P.S. on 27.12.2023. The essence of allegation made in the FIR dated 27.12.2023, is that acting on a tip off, on 26.12.2023 at around 8:30 p.m., he along and his staff have recovered 27 numbers of gunny bags containing suspected foreign origin betel nuts from the house premises of the applicant.

4. Mr. Barbhuiya, learned counsel for the applicant submits that the applicant is a businessman and deals with betel nuts of local origin and that he had been granted the privilege of interim pre-arrest bail by this Court, vide order dated 22.01.2024 and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, a contention is being made that the interim order dated 22.01.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. Sarma, the learned Addl. Public Prosecutor submits that he has received the case diary and that I.O. has collected the report from the Agriculture Department regarding origin of the seized 27 numbers of gunny bags of betel nuts and as per the report, the same are not of local origin.

6. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. Public Prosecutor.

7. The case diary indicates that the I.O. has achieved substantial progress in the investigation of the case. Further, it appears that the applicant has been cooperating with the investigating agency and appeared before the I.O. pursuant to the order dated 22.01.2024.

8. In that view of the matter, custodial interrogation of the applicant seems not be warranted and therefore, the order dated 22.01.2024 is hereby made absolute with the same terms and conditions.
9. In terms of above, the application stands disposed of.
10. Case diary be returned.

JUDGE

Comparing Assistant