

GAHC010012072024



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

Case No. : Bail Appln./197/2024

HAYADAR ALI @ HAIDOR ALI @ MD MANJUR AHMED
S/O. KAMAL UDDIN@ ABDUL HAQUE, R/O. BARBALI NO.1, DAKHIN
DEBOSTHAN, P.S. MURAJHAR, DST. HOJAI, ASSAM, PIN-782481.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. N K MURRY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 22.01.2024

Heard Mr. N. K. Murry, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Hayadar Ali @ Haidor Ali @ Md. Manjur Ahmed*, who has been detained behind the bars since 23.11.2023 (for last 60 days) in connection with Bakalia P.S. Case No. 57/2023 under Sections

379/411/34 of the Indian Penal Code.

The gist of the accusation in this case is that on 23.11.2023, one Majibur Rahman, ASI of Police of Bakalia Police Station had lodged an FIR, before the Officer-in-Charge of Bakalia Police Station, *inter alia*, alleging that during regular naka checking, the Police officials intercepted a vehicle bearing Registration No. AS-01-MC-0942 and on the search of the said vehicle, 1800 Kg of dry areca nut was recovered and it was suspected that the driver and helper of the said vehicle tried to smuggle the said areca nuts.

The learned counsel for the petitioner has submitted that this case was registered under Sections 379/411/34 of the Indian Penal Code and the petitioner has been detained behind the bars for the last 60 days and considering the nature of the offence, the maximum statutory period of detention in this case is only 60 days and hence, a prayer for bail is made by the learned counsel for the petitioner.

I have heard the learned Additional Public Prosecutor who submits that he has no materials before him to make any submissions except the bail petition.

Considering the fact that the maximum statutory period of detention for the offence involved in this case is 60 days only, the above named petitioner is hereby allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Karbi Anglong, subject to the conditions:-

- (i) That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons

who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

With the above observations, the bail application is hereby disposed of.

JUDGE

Comparing Assistant