

GAHC010016122024



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

Case No. : Bail Appln./239/2024

SOFIQL ISLAM @ MD. SAIFUL ISLAM
S/O LATE MEHAR ALI
R/O FAUZDARIPATTY
P.S. NAGAON
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-01-2024

Heard Mr. S.M. Abdullah P, learned counsel for the petitioner *Sofiquel Islam @ Md. Saiful Islam*.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure with prayer for bail as he is behind bars since 11.01.2024 in

connection with Nagaon Police Station Case No. 1103/2023 under Sections 120(B)/427/379/511 of the Indian Penal Code, R/W Section 23 Petroleum Act, R/W Section 15(2)/15(4) of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land Amendment Act, 2011).

3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

4. The allegation against the petitioner is that he was involved in tapping the oil pipelines stretching from Duliajan to Baruani around Nagaon in order to illegally draw oil from the pipelines. It is submitted that the petitioner has been interrogated thoroughly.

5. I have considered the submissions at the bar. I have considered the submissions that the petitioner is willing to cooperate with the investigation. I have also considered the submissions that further custodial interrogation may not be required or further custodial detention for the progress of investigation also may not be required. The petitioner is a local resident and he is willing to abide by any bail conditions if imposed upon him.

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, Nagaon under the conditions that:

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

(ii) The petitioner shall cooperate with the investigation and appear before the Investigating Officer regularly on every fortnight till completion of investigation.

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

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

In the above terms bail application stands disposed of.

JUDGE

Comparing Assistant