

GAHC010027042024



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

Case No. : Bail Appln./438/2024

BIKASH GOGOI
S/O LATE BIMOL GOGOI
R/O JOYNAGAR,
MORAN,
P.O. MORANHAT,
P.S. MORAN,
DIST. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR B P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 07-03-2024

Heard Mr. B.P. Borah, leaned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P. Assam, appearing for the State respondent.

This is an application under Section 439 of the Code of Criminal

Procedure, 1973, praying for granting bail to the petitioner, i.e. Bikash Gogoi, who was arrested on 05.01.2024 in connection with Manja P.S. Case No-01/2024, registered under section 120(B)/489(A)/489(B)/48/9(C)/34 of IPC.

The case of the prosecution is that on 04.01.2024, on receiving an information that a group of miscreants are about to smuggle/transport a huge fake Indian currency note which are being transported from Nagaon side towards Manipur. An operation was conducted whereby one vehicle bearing registration No. AS01FN1856 (Maruti Ertiga) which was coming from Bakalia side was intercepted and upon search, a total amount of Rs. 60,00,000/-(sixty lakh) of fake Indian currency were recovered from the said vehicle. Another vehicle bearing registration No. AS01EY9171(Maruti Swift) was also detained by the said officer and later on handed over to the jurisdictional PS in connection with the said case.

Mr. B.P. Borah, learned counsel for the petitioner submits that the petitioner was not travelling in the vehicle from which the fake currency notes were recovered. He further submits that he was traveling in the second vehicle, which was also stopped and handed over to the jurisdictional Police Station.

Mr. P. Borthakur, learned Addl.P.P. on the other hand strongly opposes the prayer for bail. He submits on the basis of the statement recorded under section 161 Cr.P.C. that there are materials which indicates that it is the petitioner who has arranged the vehicle in which the fake currency was transported and recovered. He further submits that investigation has substantially progressed and the statements of the witnesses have already been recorded.

I have heard the submissions made at the bar and perused the materials

available on record.

It appears that the petitioner has been languishing in jail for last 62 days. It further appears that the petitioner has already been interrogated and his statement has also been recorded.

Considering the length of detention and the totality of the matter, this Court is inclined to grant bail to the petitioner.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail in connection with the above noted case with a bail bond of Rs. 60,000/- (Rupees sixty thousands) only, with one suitable surety of like amount, to the satisfaction of the learned C.J.M., Karbi Anglong, subject to the following conditions:

1. That the petitioner shall co-operate with the investigation and shall appear before the Investigating Officer as and when so required.
2. The petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioner in the pending trail.
3. That the petitioner shall refrain from such activities in future with which he is alleged

Return the case diary.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant