

GAHC010040932024



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

Case No. : AB/525/2024

JAHIRUL ISLAM BARBHUIYA
S/O PAKKI MIA BARBHUIYA
VILL- PURBAKITTERBOND, PT.II
P.O. AMALA, P.S. LALA, 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 PARTHIVJYOTI SAIKIA

ORDER

Date : 22.03.2024

Heard Mr.A.M. Barbhuiya, learned counsel appearing for the Petitioner. I have also heard Mr. D.P. Goswami, learned Additional P.P. for the State of Assam.

This is an application under Section 438 of the Cr.P.C. in respect of Katlicherra P.S. Case No. 191/2023 (corresponding to G.R. Case No.1210/2023)

under Sections 120(B)/420/379/411 of the Indian Penal Code.

On the day of occurrence, police seized a vehicle carrying bettle nuts which were suspected to be of foreign origin. The petitioner is the owner of the truck.

Today, a police report has been placed before the Court stating that bettle nuts which were recovered were not suitable for human consumption. It is the opinion of the Court that in the given circumstances of the case, the petitioner does not deserved to be detained in custody.

Since the petitioner wants to face the trial, he should not be remanded to custody. Therefore, it is hereby directed that in the event of arrest in connection with Katlicherra P.S. Case No. 191/2023, the petitioner namely Jahirul Islam Barbhuiya shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the arresting authority. It is further directed that the petitioner shall cooperate with the Investigating Officer as and when called for.

The bail application stands disposed off accordingly.

JUDGE

Comparing Assistant