

GAHC010053402024



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

Case No. : AB/670/2024

NUR MOHAMMAD @ NUR MAHAMMAD
S/O MAKBUL HUSSAIN
R/O VILL- SAGUNMARI PART-IV,
P.O. BILASIPARA,
P.S. BILASIPARA,
DIST. DHUBRI, ASSAM,
PIN-783348

VERSUS

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

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

Linked Case : Bail Appln./665/2024

JABED ALI SHEIKH @ JABED ALI
S/O- LATE MAHAR ALI
VILL- RAJAPARA PT-II
P.S. BAGRIBARI
DIST.- DHUBRI
ASSAM
PIN- 782126

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P.
ASSAM

Advocate for : MR. M U MAHMUD
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
O R D E R

19.03.2024

1. Heard Mr. M.U. Mahmud, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P. for the State respondent.
2. This is an application filed under Section 439 Cr.P.C. praying for granting regular bail to the petitioner, **Jabed Ali Sheikh @ Jabed Ali**, who was arrested on 18.02.2024 in connection with **Gauripur P.S. Case No. 49/2024**, registered under Sections **120(B)/420/489(A) /489(C)/489(D) IPC**.
3. The case of the prosecution in brief is that on 18.02.2024, an FIR was lodged alleging inter-alia that on 17.02.2024, on a specific information, that some accused persons coming towards Gauripur with suspected fake notes, a search operation was conducted wherein, a white colour Wagon R vehicle bearing Registration No. AS-16 G-9680 which was coming from Alomganj towards to Dhubri was stopped by signal. After searching the vehicle, police

recovered 9 numbers of suspected denomination of Rs. 500/- totaling approximately Rs. 4,500/- and one bottle suspected chemical with 4 Nos. mobile handset. Accordingly, the aforesaid items were seized and a case was registered.

4. Mr. M.U. Mahmud, learned counsel for the petitioner submits that the petitioner was merely travelling in the Wagnor R and no knowledge about the seized articles. He further submits that the petitioner has been languishing in jail for the last 60 days. He further submits that the co-accused i.e. Baharul Ali, who is the driver of the seized vehicle was released on bail by the Court of Addl. Sessions Judge, Dhubri.

5. Mr. D. Das, learned Addl. P.P. for the State respondent on the other hand strongly opposes the prayer of bail. He further submits that the investigation is under active stage and the call data records of all the accused petitioners are awaiting. He further submits that the seized articles have been made from the possession of the petitioner.

6. I heard the submission made at the Bar and I have perused the materials available on record. I have also perused the order dated 05.03.2024 of the Addl. Sessions Judge, Dhubri, granting bail to the driver of the vehicle.

7. It appears that the investigation is under active stage and there are materials available on record implicating the accused for the alleged offence. It further appears that there are materials indicating that the seized articles have been seized from the possession of the petitioner. It further appears that the call data records are still awaited. It further appears that there being no incriminating materials present in the case diary against the driver, he was granted bail by the learned trial court. However, the position in the present case

is different as the case diary reveals that there are incriminating materials against the petitioner. The investigation being at an active stage, release of the petitioner on bail at this stage shall hamper the investigation.

8. That being so, this Court is of the considered view that the petitioner is not entitled for bail at this stage. Accordingly, the prayer for bail stands rejected.

9. This disposes of the bail application.

Send back the case diary.

JUDGE

Comparing Assistant