

GAHC010046532024



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

Case No. : AB/589/2024

NUR HUSSAIN ALI
S/O LT. NIJAM UDDIN, R/O VILL- BAMUNBARI, P.O.-BAMUNBARI, P.S.-
MUKALMUA, DIST- NALBARI, ASSAM-781312

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE STANDING COUNSEL, EXCISE DEPARTMENT,
GOVT. OF ASSAM

Advocate for the Petitioner : MR. A GANGULY, MS. M ROY, MR T CHHETRI

Advocate for the Respondent : SC, EXCISE DEPTT.,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 02-08-2024

Heard Mr. A. Ganguly, learned counsel for the petitioner Nur Hussain Ali and Mr. N. Goswami, learned Standing Counsel for the Excise Department of Government of Assam.

2. The petitioner has filed this application under Section 438 of the Code of

Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with C.R. (Excise) Case No. 14/2023 under Section 53(1) (a) of the Assam Excise (Amendment) Act, 2018.

3. It is submitted by the learned counsel for the petitioner that the petitioner is the registered owner of the truck bearing No.AS-25-FC-3278 from which IMFL and Beer bottles were recovered. The petitioner was not in the said truck. Though, he was the owner but he has no knowledge regarding transportation of liquor in his truck. It is further submitted by the learned counsel for the petitioner that the vehicle was seized on the same day and subsequently, being the owner of the said vehicle zimma of the vehicle was granted by the concerned court. Considering the nature of accusation, pre-arrest bail may be granted to the petitioner.

4. The learned Standing Counsel for the Excise Department has also submitted that there are no direct incriminating materials in the Final Offence Report against the petitioner. He is indeed the owner of the aforementioned vehicle.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Final Offence Report. The petitioner has appeared before the Inspector of Excise and his statement has been recorded. The petitioner has not violated any bail conditions. I have considered the submission that the petitioner is willing to cooperate with the investigation.

6. Considering all aspects and in view of my foregoing discussions, the interim order dated 19.04.2024 is hereby made absolute in the same terms and conditions.

7. In terms of the above observations, this Anticipatory Bail application

stands disposed of.

8. Send back the Final Offence Report.

JUDGE

Comparing Assistant