

GAHC010049962024



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

Case No. : Bail Appln./687/2024

JAGADISH BASUMATARY
S/O LT. DURGA BASUMATARY
R/O VILL- 2 NO. ANANDAPUR
RAJGARH, P.S. GOHPUR,
DIST. BISWANATH, ASSAM
PIN-784168.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P NEOG

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15.03.2024

Heard Mr. R. De, learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by

the petitioners, namely, **Jagadish Basumatary**, in connection with **Gohpur P.S. Case No. 24/2024**, registered under **Section 120(B)/420/380/411 IPC r/w Section 53(1)(a) of Assam Excise Act**.

The learned counsel for the petitioner submits that the petitioner is the manager of a wine shop namely T.N. Wine Shop which is situated at Rajgarh Hollongi, in the district of Papum Pare, Arunachal Pradesh. According to the learned counsel for the petitioner that as the renovation was going on the said wine shop as such, some of the liquor items were kept in the house of the petitioner which are not stolen property. Considering the period of detention as well as the background of the case, the petitioner may be enlarged on bail.

On the other hand, Mr. Kaushik, learned Additional Public Prosecutor for the State has produced the case diary. It reveals that the owner of the said wine shop has sworn an affidavit by stating that due to renovation purpose, some liquor items were kept in the house of the petitioner. Therefore, he has no objection if the prayer of the petitioner is allowed.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

Considering the background of the case as well as the length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Gohpur P.S. Case No. 24/2024**, registered under **Section 120(B)/420/380/411 IPC r/w Section 53(1)(a) of Assam Excise Act**, on furnishing bail bond of **Rs.30,000/- with a suitable surety** of the like amount to the satisfaction of learned SDJM, Gohpur, Assam.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of learned SDJM, Gohpur, Assam, without prior written permission from him/her;
- (b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

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

Send back the case diary.

JUDGE

Comparing Assistant