

GAHC010052032024



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

Case No. : Bail Appln./723/2024

SRI BHAVESH SHARMA
SON OF MAHABIR SHARMA, R/O SHREE VINAYAK ENCLAVE, S J ROAD,
ATHGAON, GUWAHATI, DIST. KAMRUP METRO ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MS N SULTANA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

18.03.2024

Heard Mr. S. Munir, learned counsel for the petitioner as well as Mr. R. J. Baruah, learned Additional Public Prosecutor, Assam.

By this application filed under Section 439 CrPC, the petitioner Sri Bhavesh Sharma, who was arrested in connection with Paltan Bazar P.S. Case No.26/2024 registered under Sections 379/120B IPC, has prayed for release on bail.

On 22.01.2024, two persons came to a courier agency and wanted to send two cartoons to Shillong. But, when the courier personnel wanted to see the documents then those persons fled away. Therefore, the courier agency informed the Police. Later on, Police found that the cartoons contained mobile phones.

Subsequently, Police arrested the present petitioner. It was found during investigation that the present petitioner does not have any connection with the aforesaid act but he knew the persons, who wanted to send the cartoons containing mobile phones to Shillong.

Another aspect of the case is that, no notice under Section 41A CrPC was served upon the petitioner before his arrest.

I have considered the submission made by the learned counsel for both the sides.

Under the given circumstances, the petitioner does not deserve to be detained in custody for a further period of time. Hence, the prayer for bail is allowed.

Accordingly, petitioner Sri Bhavesh Sharma, who was arrested in connection with Paltan Bazar P.S. Case No.26/2024 registered under Sections 379/120B IPC shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M).

The bail application is disposed of.

JUDGE

Comparing Assistant