

GAHC010056652024



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

Case No. : AB/730/2024

JUBER AHMED MAZUMDER
S/O SAMSUL HAQUE MAZUMDER
VILL- ROWARPAR
P.S. MURAJHAR
DIST. NAGAON (HOJAI), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 05-04-2024

Heard Mr. T. Chutia, learned counsel for the petitioner *Juber Ahmed Mazumder*.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) as he is apprehending arrest in

connection with Basistha Police Station Case No. 829/2023 under Section 379 of the Indian Penal Code, 1860 read with Section 11(1)(d) of the Prevention of Cruelty to Animal Act, 1960, read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021.

3. The allegation against the petitioner is that 27 heads of cattle were being carried illegally in his vehicle bearing registration No. NL-01AF-7873. It is submitted on behalf of the petitioner that this vehicle which was intercepted at Byrnihat, Meghalaya has already been given in zimma to the petitioner. It is also submitted that the cattle owner Ariful Islam had hired his vehicle and he was not aware that cattle was being smuggled by the owner through this vehicle.

4. The learned Additional Public Prosecutor has raised objection stating that the vehicle owner and the present petitioner are complicit. There are sufficient materials against the petitioner.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary.

6. It is submitted on behalf of the petitioner that the cattle which were allegedly smuggled has already been given in zimma to the owner of the cattle.

7. I have also considered the submission that the petitioner is willing to cooperate with the investigation. I have also considered the submissions that the petitioner is a local resident and he is not a flight risk.

8. Considering all aspects, it appears that custodial interrogation may not be required as investigation has already progressed to a considerable extent.

9. Prayer of the petitioner is allowed.

10. In the event of his arrest, the petitioner shall be enlarged on bail on

furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* to the satisfaction of the arresting authority under the conditions that:

- (i) The petitioner shall appear before the Investigating Officer within ten days and cooperate with the investigation.
- (ii) The petitioner shall refrain from such activities with which he is alleged.

11. On breach of any of the bail conditions, bail order shall stand cancelled.

Send back the Case Diary.

In the above terms, this Anticipatory Bail application stands disposed of.

JUDGE

Comparing Assistant