

GAHC010068202024



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

Case No. : AB/901/2024

AMINUL ALI
S/O KABIL UDDIN SHEIKH, R/O VILL NO. 94 DUMURIA PT-III, P.O. AND P.S.-
ABHAYAPURI, DIST- BONGAIGAON, ASSAM, PIN-783384

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G U AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22.04.2024

Heard Mr G U Ahmed, learned counsel for the petitioner, Aminul Ali.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for bail, apprehending his arrest in connection with Biswanath Chariali PS Case No. 38/2023, under Sections 420/379/411/34 IPC, read with Section 13 of the Assam Cattle

Preservation Act, read with Section 11 of the Protection of Cruelty of Animal Act.

3. Heard Mr K Baishya, learned Additional Public Prosecutor for the State of Assam.
4. Case Diary has been received.
5. Learned Additional Public Prosecutor has raised objection stating that this is a case of cattle smuggling.
6. The allegation against the petitioner is that his vehicle bearing Registration No. AS-01-GC-7994 was carrying 24 heads of cattle.
7. I have considered the submission that the vehicle is a truck and the owner was not aware of the huge number of cattle being carried in his truck. The owner was not aware that some miscreants were smuggling cattle through his truck.
8. It is submitted that the petitioner is the owner of the truck which was carrying 24 heads of cattle.
9. I have also considered the submission that the petitioner is willing to cooperate with the investigation.
10. Considering all aspects, the petition with prayer for anticipatory bail is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 30,000/- with a suitable surety of the like amount to the satisfaction of the arresting authority, under the conditions that:-
 - i) the petitioner shall refrain from such activities with which he is alleged, and
 - ii) the petitioner shall cooperate with the investigation.

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

12. Bail Application stands disposed of.
13. Send back the Case Diary.

JUDGE

Comparing Assistant