

GAHC010068212024



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

**Case No. : Bail Appln./954/2024**

PAN GOBINDRA RAJBANGSHI  
S/O SADHAN RAJBANGSHI  
R/O VILL- KULIBAZAR, DIMOW,  
P.S. SILAPOTHAR  
DIST. DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner : MR. D CHUTIA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**09.04.2024**

- 1.** Heard Mr. D. Chutia, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam.
- 2.** This application under Section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Sri Pan Gubindra Rajbangshi, who has been detained behind the bars since 24.03.2024 (for last 16 days) in connection with Silapathar P.S. Case No. 55/2024, under Section 379/411 of the Indian Penal Code read with Section 53(1)(a) of the Asasm Excise Act.

**3.** The gist of accusation in this case is that on 22.03.2024, one Abhijit Gogoi, SI of Police had lodged an FIR before the Officer-In-Charge of Silapathar Police Station, *inter-alia*, alleging that on receiving information through reliable sources that the illegal liquor is being sold in a shop at Kulibazar and a search operation was carried out and during the search operation from the shop and godown of the present petitioner several cartons and bottles of illegal liquor were seized.

**4.** Learned counsel for the petitioner has submitted, that the godown from where the liquor has been seized does not belong to the present petitioner and the allegations levelled in the FIR are not true.

**5.** On the other hand, learned Additional Public Prosecutor has produced the case diary of Silapathar P.S. Case No. 55/2024 and has submitted that there are incriminating materials against the present petitioner in the case diary.

**6.** I have considered the submissions made by the learned counsel for both the parties and have perused the materials available on record, including the case diary of Silapathar P.S. Case No. 55/2024.

**7.** Though it appears that there are incriminating materials against the present petitioner in the case diary, however, it appears that the investigation has fairly progressed and the petitioner has been detained behind the bars for last 16 days.

**8.** Considering the progress made in the investigation, this court is of the considered opinion that further custodial detention of the present petitioner may

not be necessary for fair completion of the investigation of Silapathar P.S. Case No. 55/2024, if the petitioner co-operates in the investigation.

**9.** In view of above, the above named petitioner, is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Dhemaji, with following conditions that:-

- (i)** the petitioner shall co-operate in the investigation; and
- (ii)** the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

**10.** With the above observations, this bail application is hereby disposed of.

**JUDGE**

**Comparing Assistant**