

GAHC010072872024



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

Case No. : Crl.Pet./405/2024

AMLAN BHARALI
S/O- CHANDRA MOHAN BHARALI,
PERMANENT R/O-K.B ROAD, BORMUTRIA TINIALI,
P.O AND P.S- NORTH LAKHIMPUR, DIST-LAKHIMPUR, ASSAM,
PRESENTLY STAYING AT
C/O-SERVO TOWER, 14, PALM AVENUE, BALLYGUNGE, KOLKATA-700019,
WEST BENGAL

VERSUS

THE STATE OF ASSAM AND ANR
REP. BNY THE PP, ASSAM

2:THE INSPECTOR
FOOD AND CIVIL SUPPLY
BI (EO)
ASSAM
GUWAHATI-3

Advocate for the Petitioner : MR. DILIP DEY
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 08-04-2024

- 1.** Heard Mr. Dilip Dey, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State.

2. This application under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Amlan Bharali* impugning the order dated 11.12.2023 passed by the Judicial Magistrate, First Class, Kamrup (M) in PRC Case No. 693/2018 whereby the non-bailable warrant of arrest have been issued against the present petitioner.

3. The learned counsel for the petitioner has submitted that on the basis of an FIR lodged by one Bipin Ch. Chakravarty, Inspector, Food, Civil Supplies & Consumer Affairs before the Officer-in-charge of BI(EO) Police Station Case No. 04/2018 under Section 120(B)/420/406/409 of the Indian Penal Code read with Section 7 of the Essential Commodities Act, 1955 and Section 23 of Petroleum Act, 1934 was registered and investigation was initiated.

4. It is submitted by the learned counsel for the petitioner that during the pendency of the investigation, the petitioner had approached this Court and by order dated 19.06.2018 passed in AB No. 1445/2018, the petitioner was allowed to go on pre-arrest bail. Thereafter, the petitioner was transferred to Kolkata and after his transfer, he came to know that he charge-sheet has been laid in the said case and on the basis of which PRC Case No. 693/2018 was registered in which the trial court initially had issued summons and later on, non-bailable warrant of arrest issued against the present petitioner.

5. The learned counsel for the petitioner has submitted that as the petitioner was in Kolkata as he was transferred to Kolkata, he was not aware of the summons issued by the trial court to him and it is only on 30.03.2024 when the mother of the petitioner, who is the resident of Lakhimpur came to know about the pending case against the present petitioner.

6. The learned counsel for the petitioner has submitted that the petitioner is willing to cooperate in the trial and it was for no fault of him, non-bailable warrant of arrest was issued as he was not aware of the pending case.

7. Considering the submissions made by the learned counsel for the petitioner as well as material available on record, this criminal petition is hereby disposed of with a direction that the petitioner shall appear before the trial court within a period of ten days from the date of this order and shall cooperate in trial.

8. In order to facilitate his appearance before the trial court, the operation of non-bailable warrant of arrest issued against the present petitioner shall be kept in abeyance for next ten days. On his appearance before the trial court, the petitioner may make prayer for any relief to which he is legally entitled to before the trial court.

9. With the above observation, this criminal petition is hereby disposed of.

JUDGE

Comparing Assistant