

GAHC010073172024



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

Case No. : AB/968/2024

AZAD HUSSAIN LASKAR
S/O ARAB ALI LASKAR
VILL- BHAYRABPUR PART-V,
P.O. AND P.S. KATIGORAH
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP,
ASSAM

Advocate for the Petitioner : MRS. R RONGMEI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 01.05.2024

Heard Mrs. R. Rongmei, learned counsel for the petitioner and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the

petitioner viz. Azad Hussain Laskar has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Ramnathpur Police Station Case no. 07/2024 registered under Sections 120B/420/379/411, Indian Penal Code [IPC].

3. The gist of accusation in this case is that on 21.01.2024, one Samiran Kalita had lodged an First Information Report [FIR] before the Officer In-Charge of Ramnathpur Police Station, inter-alia, alleging that on 21.01.2024, during Naka Checking duty at Ramnathpur P.S. check gate at about 06-30 a.m., one vehicle bearing Registration no. AS-01/FC-9515 was signalled to be stopped and during checking, huge quantity of betel nut packed in 20 gunny bags were found. The said betel nut were suspected to be Burmese betel nut and also suspected to be stolen ones.

4. The petitioner has been extended interim protection by an order dated 10.04.2024 with the further direction to him to appear before the Investigating Officer [I.O.] of the case within a period of 10 [ten] days from 10.04.2024.

5. Mr. Gogoi, learned Additional Public Prosecutor who has received the concerned case diary, has submitted that the petitioner, in the meantime, has appeared before the I.O. of the case in deference to the order dated 10.04.2024 and upon his appearance, his statement has been recorded under Section 161, CrPC.

6. From the materials available in the case diary, collected during the course of investigation carried out so far, it transpires that the entire quantity of alleged areca nut (betel nut) of suspected Burmese origin, carried in the vehicle [AS-01/FC-9515], has already been seized.

7. Mrs. Rongmei, learned counsel for the petitioner has submitted that pursuant to the order dated 10.04.2024, the petitioner has appeared before the I.O. and joined the investigation and the petitioner will continue to extend his assistance and cooperation in the further investigation of the case.

8. It is further noticed that the petitioner who is the owner of the vehicle bearing registration no. AS-01/FC-9515, which was found carrying the areca nut [betel nut] of suspected Burmese origin, has preferred a *zimma* petition before the Court of learned Judicial Magistrate, 1st Class, Hailakandi. The learned Judicial Magistrate, 1st Class, Hailakandi by an Order dated 09.04.2024, allowed *zimma* of the vehicle bearing registration no. AS-01/FC-9515 to the petitioner on execution of a bond of Rs. 30,00,000/- by the petitioner.

9. Having regard to the aforesaid fact situation; more particularly, that that the petitioner has already joined the investigation by appearing before the I.O., this Court is of the considered view that custodial interrogation of the petitioner is not necessary for the purpose of carrying out further investigation of the case and his release on pre-arrest bail, at this stage of investigation, is unlikely to bring any adverse effect in the further investigation of the case, provided he continues to extend his assistance and co-operation in the further investigation of the case.

10. Accordingly, the interim protection granted earlier by the petitioner by the Order dated 10.04.2024 is hereby made absolute, subject to the following conditions :

- [i] that the petitioner shall co-operate with the investigation and make himself available for interrogation whenever required by the Investigating Officer [I.O.] of the case;
- [ii] that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- [iii] that the petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- [iv] that the petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected;
- [v] that the petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

11. The bail application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant