

GAHC010075222024



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

Case No. : Bail Appln./1085/2024

KHIRUD RAJBONGSHI
S/O LT. SARU RAJBONGSHI
R/O TETUNBARI, P.S. HALEM
DIST. BISWANATH, ASSAM
PIN-784170

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. L GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 23-04-2024

Heard Mr. L. Gogoi, learned counsel for the accused-petitioner and Mr. B. Gogoi, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973 [CrPC], the accused-petitioner viz. Sri Khirud Rajbongshi has prayed for his release on bail in connection with Halem Police Station Case no. 25/2024 registered under Sections 479/420/411, Indian Penal Code [IPC] read with Section 53[1][a] of the Assam Excise Act, 2000.

3. In the First Information Report [FIR] lodged by an Assistant Sub-Inspector of Police, attached to Halem Police Station, on 03.04.2024, it was inter alia alleged that on receipt of an information from reliable source, one vehicle [Tata Punch] bearing Registration no. AS-32/B-0771 was intercepted as the information was to the effect that the vehicle was carrying IMFL from Arunachal Pradesh by way of smuggling. Accordingly, the vehicle was intercepted at a Naka Checking Point at Morachengelijan by a police team and on making a search, liquors items [(1) Royal Blue Gold (180 ml) = 1 carton; (2) Imperial Blue (180 ml); (3) 9 Star Deluxe whisky (180 ml) = 12 cartons; and (4) Tuborg beer (500 ml) = 12 cartons], allegedly manufactured in Arunachal Pradesh, were found and seized and the accused-petitioner was found in-charge in the said vehicle. On being asked, the accused-petitioner could not produce any valid document in respect of the IMFL liquor items, allegedly manufactured in Arunachal Pradesh.

4. Mr. Gogoi, learned Additional Public Prosecutor on the basis of the materials available in the case diary, has submitted that the accused-petitioner is suspected to be involved in illegal trade of liquor manufactured in Arunachal Pradesh, in the State Assam without valid documents. He has submitted that investigation of the case is in progress.

5. On the other hand, Mr. Gogoi, learned counsel for the accused-petitioner has submitted that the alleged illegal liquor items have already been seized and as such, further detention of the accused-petitioner may not be necessary for the purpose of carrying out further investigation into the case.

6. Having gone through the materials available in the case diary, collected during the course investigation; it is noticed that the alleged illegal IMFL items have already been seized; and the accused-petitioner after arrest, was produced before the learned court on 04.04.2024 and since then, the accused-petitioner is in custody. Having regard to the status of investigation, this Court is of the considered view that further detention of the accused-petitioner for the purpose of carrying out investigation of the case is not necessary, if the accused-petitioner continues to extend his assistance and co-operation in the further investigation of the case.

7. Accordingly, it is directed that the accused-petitioner shall be released on bail on furnishing a bail bond of Rs. 25,000/- with one local surety of the like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Gohpur, Biswanath, subject to the conditions that :-

[i] the accused-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] the accused-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] the accused-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] the accused-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; and

[v] the accused-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.

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

JUDGE

Comparing Assistant