

GAHC010077742024



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

Case No. : Bail Appln./1124/2024

NAJRUL ISLAM
S/O MANNACH ALI
R/O VILL- BHAKUWAMARI, P.S. ULONI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 20.04.2024

1) Heard Mr. S. Nawaz , learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State of Assam who submits that the case diary was called for, however, the same has not arrived.

2) On the other hand, learned counsel for the petitioner has

submitted that the petitioner has been detained behind bars since 24.03.2024 (for last 27 days), in connection with Khetri P.S. Case No. 42/2024, the said case was registered on the basis of the FIR, which was lodged by one Kamal Bora before the Officer-in-charge of Khetri Police Station, *inter-alia*, alleging that on 24.03.2024 the petitioner was apprehended while driving a Bolero pickup truck bearing registration No. AS-02-DC-3348, wherein he was transporting 11 numbers of cattles and he could not produce any valid cattle document for the said cattles.

3) Learned counsel for the petitioner has admitted that he was apprehended along with the cattles and he has also submitted that cattles as well as the vehicle has already been seized by the Investigating Officer. It is also submitted that the statement of the petitioner has also been recorded by the Investigating Officer.

4) Further, learned counsel for the petitioner submits that considering the period of detention has already undergone and considering the fact that the seizure of vehicle and the cattle has already been made and his custodial detention may not be necessary. Hence, he has prayed for allowing the petitioner to go on bail.

5) I have considered the submissions made by learned counsel for both the sides and perused the materials on record. Considering the the nature of the case as well as the admission by the learned counsel for the petitioner that the cattles and the vehicle, which the petitioner was driving have already been seized by the Investigating Officer and his statement has already been recorded by the Investigating Officer and also considering the period of detention already undergone, his further custodial detention does not appear to be necessary for fair completion of the investigation of Khetri P.S. Case No.

42/2024.

6) In view of above, the above named petitioner, namely, Nazrul Islam is hereby allowed to go on bail of Rs.30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(Metro), subject to the conditions that:-

(i) 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; and

(ii) the petitioner shall co-operate in the investigation.

7) With above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant