

GAHC010081972024



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

Case No. : AB/1060/2024

ANESUR RAHMAN
S/O LATE ABDUL MAZID,
R/O HELANARPAM,
P.S.- GOBARDHANA,
DIST.- BAKSA, BTAD, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

01.05.2024

Heard Mr. S.M. Abdullah P., learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with the **Gobardhana P.S. Case No. 51/2024**, under Sections 379/411/285 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Anesur Rahman** for grant of pre-arrest bail.

3. It is to be noted here that the said case has been registered on the basis of one F.I.R., lodged by S.I Maniram Deka, on 07.04.2024. The essence of allegation made in the FIR is that on 06.04.2024, acting on a tip off he along with his staff conducted search in Matihari Dhaba, situated at Helnarpam on NH No. 31, in respect of illegal business of oil and recovered 4 numbers drum, containing 200 liters of oil in each, along with some pipes.

4. Mr. Abdullah, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and that the oil found in the four drums are burnt oil, collected from different garages. Mr. Abdullah further submits that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Mr. Sarmah, learned Additional Public Prosecutor submits that the I.O. has collected sufficient incriminating materials against the applicant and that the investigation is going on and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary produced before this Court with the assistance of learned Additional Public Prosecutor.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the applicant. Further, it appears that the applicant is the owner of the drum, from where 800 liters of oil were recovered and seized by the police. It also appears that the investigation of the case is going on and at this stage it cannot be said that custodial interrogation of the

applicant is not required in the interest of investigation.

8. Under the aforementioned facts and circumstances, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same is dismissed.

9. The case diary be returned.

JUDGE

Comparing Assistant