

GAHC010085472024



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

**Case No. : Bail Appln./1241/2024**

MD. AJIJUL HOQUE  
S/O MD. MUSLEMUDDIN  
VILL- JORIBAR, P.S. BHURAGAON  
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner : MR. J AHMED**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 10.05.2024**

Heard Mr. J. Ahmed, learned counsel for the accused and Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Md. Ajijul Hoque, who has been languishing in jail hazot in connection

with Azara P.S. Case No. 85/2024, under Sections 407/379 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Anurag Agarwal on 13.04.2024. The essence of allegation made in the FIR dated 13.04.2024 is that on 12.04.2024, at about 7:30 p.m., 200 packets of moong dal 30 kg in each packet, 100 packets of chana dal 30 kg in each packet, 500 packets of mosur dal 30 kg in each packet, worth of Rs. 19,07,307/- and 100 packets of moong dal 30 kg in each packet worth of Rs. 3,31,821/- were loaded in a Truck, bearing Registration No. NL-01-K-1761, belonging to R.K. Transport, Azara driven by one Umad Ali, and the consignment was supposed to be delivered to Maya Product, Barpetaroad. But, later on, he found the vehicle along with the loaded articles missing and also found the mobile number of the driver switched off.

4. Mr. Ahmed, the learned counsel for the accused submits that the mother of the accused suffered demise on 24.04.2024, after hearing the news of arrest of the present accused and that it is a fact that the 155 packets of stolen dal were recovered from the godown of the present accused, but, he has purchased the same from one Ashikul Islam, and that the present accused had no knowledge as to whether the seized articles were stolen articles or not, and that he is behind the bar for last 18 days, and that he is ready to cooperate with the investigating agency, therefore, it is contended to allow petition.

5. On the other hand, Mr. B.B. Gogoi, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR and therefore, Mr. Gogoi has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have

carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Gogoi, learned Additional Public Prosecutor as well as the death certificate of the mother of the accused issued by the Registrar of Birth and Death, Sialmari SD dated 09.05.2024.

7. It appears that the accused was arrested on 22.04.2024 and since then, he has been languishing in jail hazot for last 18 days. Further, it appears that some of the stolen articles (155 packets of dal) were recovered from the godown of the present accused. Further, it appears from the certificate produced by the learned counsel for the accused before this Court that the mother of the accused suffered demise on 24.04.2024 and some religious functions are required to be performed by the present accused.

8. Having considered above and also considering the materials collected so far in the case diary as well as the stage of investigation, further custodial detention of the accused seems to be not warranted here in this case. And therefore, this Court is inclined to allow the petition. It is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned CJM, Kamrup(M), Guwahati, the accused be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

10. Case diary be returned.

**JUDGE**

**Comparing Assistant**