

GAHC010087222024



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

Case No. : AB/1134/2024

NAZRUL HOQUE
S/O ABDUL KADIR
R/O VILL- BARJARI MAJGAON, P.O. AND P.S. JAMUNAMUKH, DIST. HOJAI,
ASSAM, PIN-782428

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR K BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.05.2024

Heard Mr. K. Bhuyan, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Jamunamukh P.S. Case No.14/2024, under

Section 379/411 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Nazrul Hoque, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by S.I. Kaushik Kr. Nath of Daboka P.S., on 11.04.2024. The essence of allegation made in the aforesaid FIR is that acting on a tip off, on 11.04.2024, at about 12:10 a.m., they have conducted search in one rice-mill, namely, M/s Sridurga Rice Mill and apprehended two persons, namely, Mintu Haldar and Radheshyam Debnath and recovered 25 bags of suspected Burmese Suparis from the godown of said Sridurga Rice Mill and accordingly, seized the same in presence of witnesses.

4. Mr. Bhuyan, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and one Tajul Ali, who happens to be the brother of the present applicant, has already been granted the privilege of pre-arrest bail by this Court in AB No.3170/2023, vide order dated 12.10.2023 and the present case is also similar in nature and as such, similar privilege may be extended to the present applicant also.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the applicant and that the present applicant is the person who had kept the 25 bags of suspected Burmese Suparis, weighing 1781 kgs in the M/S Sridurga Rice Mill and the investigation is going on and therefore, Mr. Sarma 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. Sarma, learned Additional P.P.

7. The case diary indicates that the I.O. has collected some incriminating materials against the present applicant. The investigation is still going on and extending the privilege of pre-arrest bail to the present applicant at this stage will hamper the

investigation. His custodial interrogation appears to be indispensable in the interest of investigation. And therefore, this Court is of the view that this is not a fit case, where the privilege of pre-arrest bail can be granted to the applicant and accordingly, this anticipatory bail application stands dismissed.

8. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant