

GAHC010110192024



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

Case No. : Bail Appln./1602/2024

RAJU PAUL AND ANR.
S/O SRIDJAM CHANDRA PAUL
R/O HARI OM TILA
P.S. LUMDING
DIST. KARBI ANGLONG, ASSAM

2: SUBHAM CHAUDHURY
S/O SRI BIDYUT CHAUDHURY
R/O 29K B ROAD
NEAR L P SCHOOL
CHAKITOP
P.S. NAGAON
DIST. NAGAON
ASSA

VERSUS

THE UNION OF INDIA
REPRESENTED BY THE DEPARTMENT OF CUSTOM.

Advocate for the Petitioner : MR. R SARMA
Advocate for the Respondent : SC, CUSTOMS

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

12.06.2024

Heard Mr. R. Sarma, learned counsel appearing for the accused petitioners as well as Ms. M. Deka, learned standing counsel, Custom.

By filing this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **Raju Paul and Subham Chaudhury**, have prayed for grant of bail in connection with **Custom Case No.05/CL/IPM/AS/GAU/2024-25** under Sections **110/104/135 of the Custom Act**.

It is submitted by the learned counsel for the petitioners that the accused petitioners were apprehended on 16.04.2024 and were produced before the CJM on 17.04.2024 and they were officially arrested by the custom on 18.04.2024. So, practically the petitioners have been detained in custody for last 58 days and the mandatory period of detention of the offence is 60 days. So, considering the length of detention, prayer for bail may be considered.

On the other hand Ms. M. Deka, learned standing counsel, Customs prays for some time to produce the case diary.

I have heard the submission of learned counsel for both the parties and perused the FIR which reveals that 12 numbers of gold pieces were seized from the possession of the accused petitioners. It also appears that the offence was triable by the Magistrate wherein maximum punishment is seven years. Considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary in the interest of investigation of the case.

Accordingly, the petitioners, named above, shall be released on bail, on furnishing bail bond of **Rs.40,000/- each** with **two suitable sureties each** of the like amount, to the satisfaction of learned **Chief Judicial Magistrate, Kamrup(M)**.

The direction for bail is further subject to the conditions that the petitioners:

- (a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Kamrup(M) without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the

case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

JUDGE

Comparing Assistant