

GAHC010110642024



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

Case No. : AB/1453/2024

MINUDDIN @ MOINUDDIN SK
S/O LATE AJIBAR RAHMAN, VILL- KUNTIRCHAR PART 2, P.S.-DHUBRI,
DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A S CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 22.07.2024

Heard Mr. A.S.Choudhury, learned counsel for the petitioner. Also heard Mr. B.Sharma, learned Additional Public Prosecutor for the State.

By this application under Section 438 Cr.P.C., the petitioner, namely, **Minuddin @ Moinuddin Sk** is seeking pre-arrest bail in connection with **Dhubri Sadar Police Station Case No. 94/2024** registered under Sections 25 (1- A) of Arms Act, 1959.

The Case diary, as called for, is placed before the Court.

The learned counsel for the petitioner submits that the petitioner was not present in his house when his house was searched and nothing was recovered from his house. Petitioner has been falsely implicated in this case. Considering the nature of the offence, benefit of pre-arrest bail be extended to the petitioner.

The learned Addl. Public Prosecutor has produced the case diary and submits that two nos. of handmade pistol were recovered from the house of the petitioner along with two nos. of empty cartridges and some other articles, as such, at this stage, petitioner may not be granted the privilege of pre-arrest bail.

I have considered the submissions of the parties and perused the case diary.

Two seizure lists are available in the case diary. In one seizure list, one hand made pistol along with some other articles were recovered from the house of the petitioner and vide second seizure list, another handmade pistol along with two numbers of empty cartridges were recovered from the house of one Rohila Bibi who appears to be the second wife of the petitioner.

Considering the above aspect of the matter in its entirety, this court is not inclined to grant pre-arrest bail to the petitioner.

Accordingly, the pre-arrest bail application stands rejected.

Return the case diary.

JUDGE

Comparing Assistant