

GAHC010117392024



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

Case No. : Bail Appln./1692/2024

SURAJ DALU AND 3 ORS.
S/O LATE KHARENDRA DALU
R/O VILL- DERAPATHAR
P.S. 1 NO. KAKI, DIST. HOJAI, ASSAM

2: SWAPAN DAS
S/O SUSIL DAS
R/O VILL- UTTAR KAMAKHYAGURI
P.S. SAMUKTALA
DIST. ALIPURDUAR (W.B.)

3: RANJIT DAS
S/O SUKUMAR DAS
R/O VILL- UTTAR KAMAKHYAGURI

P.S. KUMARGRAM
DIST. ALIPURDUAR (W.B.)

4: SHYMAL MAZUMDAR
S/O RABINDRA MAZUMDAR
VILL- AZARBARI
P.S. LANKA
DIST. HOJAI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

12.06.2024

- 1.** Heard learned counsel Mr. A. W. Aman for the petitioners, namely (i) Suraj Dalu, (ii) Swapan Das, (iii) Ranjit Das, and (iv) Shyamal Mazumdar.
- 2.** This application has been filed by the petitioners under Section 439 of the Cr.PC with prayer for bail as they are behind bars since 01.06.2024 in connection with Gossaigaon P.S. Case No. 83/2024 under Sections 379/411/413/34 of the IPC.
- 3.** Heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent State.
- 4.** The FIR unfolds that the complainant received an information that one Hydra JCB vehicle bearing registration No. WB-70S-9012 was trying to lift the RS-JOIST (iron) to one Tractor vehicle bearing registration No. WB-11F-5052 which was kept in the old PWD IB premises at Mandapara under Bhawraguri area.
- 5.** When the drivers of the vehicle were confronted, they stated that they were permitted to carry the same. It was suspected that the items were illegally taken for smuggling.
- 6.** The complainant then restrained the miscreants from lifting the

aforementioned articles.

7. It is submitted on behalf of the petitioners that the petitioners were not involved in any illegal activities. Annexure-5 of the petition reveals that they were paid to load and transport the aforementioned articles.

8. It is submitted that it is not a case under Sections 379/411 of the IPC.

9. It is further submitted that as the petitioners have no criminal antecedent and there is no case under Section 413 of the IPC.

10. The learned Additional Public Prosecutor has raised objection stating that investigation is at its nascent stage as the articles which were loaded by the miscreants are Government property and no valid documents could be shown by the petitioners, when confronted.

11. I have considered the submissions that the petitioners are willing to co-operate with the remaining part of the investigation.

12. The petitioners are willing to abide by any stringent conditions imposed upon them if they are enlarged on bail.

13. In view of my foregoing discussions, the petitioners are enlarged on bail of Rs. 50,000/- (Rs. Fifty Thousand) each with a local surety of like amount to the satisfaction of the SDJM(M), Gossaigaon under the condition that;

(i) the petitioners shall refrain from any such activity with which they are alleged,

failing which bail order shall stand cancelled.

JUDGE

Comparing Assistant