

GAHC010136112024



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

Case No. : AB/1753/2024

JYOTI PRASAD PEGU
S/O- DEHIRAM PEGU, R/O- VILL.- NEW SONOWAL MISING GAON, P.O.
NAMRUPIA, P.S. MARIANI, DIST. JORHAT, ASSAM, PIN- 785634.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR W R MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 24.07.2024

Heard Mr. W. R. Medhi, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 of the Bharatiya Nagarik Suraksha

Sanhita, 2023 praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Dhemaji P.S. Case No. 83/2024, under Section 379 of the Indian Penal Code *read with* Section 53(1) (a) of the Assam Excise Act, corresponding to GR No. 224/2024 (DMJ).

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. W. R. Medhi, learned counsel for the petitioner, that the present accused/petitioner is innocent and he is no way connected in the alleged offence. He is a teacher by profession and it is a fact that he is the owner of the vehicle which was given on rent for commercial purpose and was intercepted by police. But he was not aware about what has been transported in his vehicle. However, he has already appeared before the I.O. after obtaining the order of interim pre-arrest bail on 03.07.2024 and co-operated in the investigation of the case. He is still ready and willing to co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that the after obtaining the order of interim pre-arrest bail, the accused/petitioner has already appeared before the I.O. and his statement under Section 161 Cr.P.C. has also been recorded and thus, he has co-operated the I.O. in the investigation of the case and accordingly, he submitted that custodial interrogation of the present accused/petitioner may not be necessary.

After hearing the submissions made by the learned counsels of both sides and also considering the entire aspects of the case, nature of allegation as well

as the conduct of the accused/petitioner, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 03.07.2024, is hereby made absolute in the same terms and conditions.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant