

GAHC010137762024



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

Case No. : Bail Appln./1996/2024

NIZAM AHMED
S/O MANTAJ ALI SIKDER, VILL- DUMURIA PART-III, P.S.-ABHAYAPRI, DIST-
BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 11.07.2024

Heard Mr. M.H. Ahmed, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned APP appearing for the State.

2. The petitioner, who was arrested and forwarded on 04.07.2024, is seeking bail under section 483 BNSS in connection with Abhayapuri P.S. Case No. 164/2024, under Section 379 IPC.

3. The petitioner projects that he is an ex-army service man and has set up a market. From the godown leased out to one Shahinur Islam, 68 alleged stolen bags of gingers out of 70 bags were recovered.

4. The learned APP has opposed the prayer for bail on the ground that as per the forwarding report dated 04.07.2024, 68 bags (2720 KGs) of ginger has been recovered from the godown of the petitioner.

5. Considering that out of 70 bags of allegedly stolen gingers, 68 bags has been recovered, the Court is of the considered view that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Nizam Ahmed in connection with Abhayapuri P.S. Case No. 164/2024 on furnishing bail bond of Rs.20,000/- with one suitable surety of like amount to the satisfaction of the learned Sub Divisional Judicial Magistrate (M), North Salmara, Abhayapuri.

6. The bail is granted on the following conditions:

(a) That the petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

(b) That the petitioner 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

(c) That the petitioner shall not obstruct the smooth progress of the investigation/trial.

(d) That the petitioner shall not misuse his liberty in any

manner.

(e) That the petitioner shall not jump over the bail.

(f) The petitioner shall appear before the I/O within 10 (ten) days from the date of his release.

7. This application stands disposed of.

8. Case diary is returned.

JUDGE

Comparing Assistant