

GAHC010140952024



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

Case No. : Bail Appln./2050/2024

NUR JAMAL
S/O- SAMSUL HOQUE,
VILLAGE- SONAPUR BLOCK,
P.S- BIHPURIA, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : IINAMUL AMIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

29.07.2024

Heard Mr. M.H. Ahmed, learned counsel for the petitioner, namely, Nur Jamal, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), with a prayer for bail, as he is behind the bar since 04.07.2024 in connection with Patacharkuchi P.S. Case No.139/2024, under Section 316(2)/318(4)/61(2) of the Bharatiya

Nyaya Sanhita (BNS).

Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

The allegation against the petitioner is that he and his companion were found in possession of a cash of ₹ 74,000/- as well as fake gold in one bag. It is submitted on behalf of the petitioner that the fake gold was not recovered from his possession, but he has admitted that he was in possession of ₹ 74,000/-, which he was carrying with him to purchase garments from Barpeta.

The learned Additional P.P. has submitted that there are incriminating materials in the case diary against the present petitioner.

I have considered the submissions at the Bar with circumspection. It has been submitted on behalf of the petitioner that there is no allegation of cheating. Despite the fact that the petitioner was not in possession of the fake gold, there is no allegation that the petitioner intended to sell the fake gold to cheat any individual. It is also assiduously submitted on behalf of the petitioner that he was not in possession of the fake gold.

I have also considered the progress of investigation. The disputed articles have already been recovered and seized in connection with this case. The investigation has progressed to a considerable extent. The petitioner has pledged to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions, if imposed upon him. The petitioner is a local resident and he is not a flight risk.

Considering all aspects and in view of the foregoing discussions, the bail application is allowed. The petitioner is enlarged on bail of ₹ 30,000/- with a suitable surety of like amount to the satisfaction of the Elaka Magistrate, Bajali, under the condition that -

- (i) the petitioner shall refrain from such activities with which he is alleged;
- (ii) the petitioner shall cooperate with the remaining part of the investigation; and
- (iii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

On breach of any of the bail conditions, the bail order shall stand cancelled.

Send back the case diary.

Sd/- *Susmita Phukan Khaund*
JUDGE

Comparing Assistant