GAHC010143512024

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

Case No. : Bail Appln./2097/2024

MUHIMUDDIN AHMED @ HARU
S/O MD SHANUR ALI, R/O VILL- GHOGA, P.O.-LAWTOL, P.S.-MUKALMUA,
DIST- NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D SARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.07.2024

1. Heard learned counsel Mr. D. Sarmah for the petitioner Muhimuddin Ahmed @ Haru.

2. This application has been filed by the petitioner under Section 439 of the

Cr.PC with prayer for bail as he is behind bars since 13.05.2024 in connection with Jagiroad P.S. Case No. 95/2024 under Section 392 of the IPC read with Section 395/399/412 of the IPC corresponding GR Case No. 599/2021 under Sections 392/395/399/412 of the IPC.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. It is submitted on behalf of the petitioner that the petitioner is not named in the FIR. The allegation against the petitioner is that he is involved in hijacking the truck containing alcohol valued at RS. 11,35,683/-. It is submitted that the prime accused who had already been arrested have been enlarged on bail in connection with B.A. No. 1760/2024 vide order dated 24.06.2024 passed by this Court.

5. The petitioner has also prayed for bail on grounds of parity.

6. I have considered the submissions at the Bar with circumspection.

7. The petitioner has been behind bars for more than 60 days.

8. It appears that investigation may have presumably progressed to a considerable extent. It is further submitted that major part of the stolen alcohol had already been recovered from the possession of Ajit Barman.

9. I have also considered the submission that the petitioner is willing to co-operate with the investigation and to abide by any stringent bail conditions, if imposed upon him.

10. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioner is enlarged on bail of Rs 30,000/- (Rupees thirty thousand), with a suitable surety of like amount to the satisfaction of the learned CJM, Morigaon under the conditions that:

(i) the petitioner shall refrain from such activities with which he is alleged, and

(ii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

JUDGE

Comparing Assistant