

GAHC010145912024



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

Case No. : Bail Appln./2134/2024

MD. SAFIKUL ISLAM AND 3 ORS
S/O LATE HAMJA ALI, VILL- AHOTA-BAKRIKUCHI, P.S.-MUKALMUA, P.O.-
JOYSAGAR, DIST- NALBARI, ASSAM, PIN-781126

2: MD. NAZRUL HAQUE @ NARJUL HAQUE
S/O MD. RAZZAK ALI
VILL- LOUTHARI
P.S.-MUKALMUA
P.O.-JOYSAGAR
DIST- NALBARI
ASSAM
PIN-781126

3: MD. BADIUD JAMAN SARKAR
S/O LATE MAIDAN ALI SARKAR
VILL- AHOTA-BAKRIKUCHI
P.S.-MUKALMUA
P.O.-JOYSAGAR
DIST- NALBARI
ASSAM
PIN-781126

4: MD. AKRAM ALI
S/O LATE DILBAR ALI
VILL- AHOTA-BAKRIKUCHI
P.S.-MUKALMUA
P.O.-JOYSAGAR
DIST- NALBARI
ASSAM
PIN-78112

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A MANNAF

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

25.07.2024

1. Heard learned counsel Mr. Abdul Mannaf for the petitioners namely, (i) Md. Safikul Islam, (ii) Md. Nazrul Haque @ Narjul Haque, and (iv) Md. Akram Ali.
2. This application has been filed by the petitioners under Section 483 of the BNSS, 2023 with prayer for bail as they are behind bars since 04.06.2024 in connection with Halem P.S. Case No. 35/2024 under Sections 380/457/413 of the IPC.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. Learned Additional Public Prosecutor has submitted that the forwarding report itself reveals that the petitioners are complicit and materials have been recovered from their possession.
5. The allegation against the petitioners is that the petitioners have committed theft of foreign liquor from 'Friendship wine' shop. The FIR was lodged on

16.05.2024.

6. It is submitted that further custodial detention for the progress of the investigation may not be required. It appears that investigation may have presumably progressed to a considerable extent.

7. I have also considered the submission that the petitioners are willing to abide by any stringent bail conditions, if imposed upon them.

8. The petitioners are local residents and they are not flight risks.

9. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioners are enlarged on bail of Rs 30,000/- (Rupees thirty thousand) each, with a suitable surety of like amount to the satisfaction of the learned JMFC, Gohpur, Biswanath under the conditions that:

(i) the petitioners shall refrain from such activities with which they are alleged, and

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

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

JUDGE

Comparing Assistant