

GAHC010148822024



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

Case No. : Bail Appln./2184/2024

REZZAK MALLIK AND ANR.
S/O BILLAL MALLIK @ BILAL MALLIK
R/O PAZARBHANGA P.O. BARGHOL, P.S. BARPETA, IN THE DISTRICT OF
BARPETA, ASSAM, PIN-781302

2: RAJIBUL MALLIK
S/O BILLAL MALLIK @ BILLAK ALI
R/O PAZARBHANGA
P.O. BARGHOL
P.S. BARPETA
IN THE DISTRICT OF BARPETA
ASSAM
PIN-78130
VERSUS
THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B HUSSAIN, MR. A K HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 21.08.2024

Heard Mr. A. K. Hussain, learned counsel for the petitioners. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita

(BNSS), 2023 for granting regular bail to the petitioners, who were arrested in connection with Sipajhar P.S. Case No.102/2024.

3. A truck bearing Registration No. As-01-HC-4341 which was loaded with valuable articles worth lakhs of rupees was going towards Tezpur. At about 11 P.M., the truck was stopped near Baihata Chariali. The entire load of the truck was shifted to another truck and the culprits fled away with the said truck.

4. Mr. Hussain, learned counsel for the petitioners submits that on the day of occurrence, the petitioner Rezzak Malik, who is a driver by profession was waiting at Jalukbari and two persons, namely, Sobur and Rustom Ali had hired his car for going to Mangaldoi. On the way to Mangaldoi, the car was stopped by Police then he called his younger brother, the petitioner Rajibul Mallik and both were arrested by Police in this case.

5. From the contents of the Case Diary, Mr. Parasar, learned Additional Public Prosecutor submits that this type of incidents are very common at night in the National Highway. Mr. Parasar has pointed out that a gang using cars and trucks stop vehicles on the road and they loot the goods of the truck.

6. According to the learned Additional Public Prosecutor, there are sufficient incriminating materials in the Case Diary.

7. I have considered the submissions made by the learned counsel of both the sides.

8. This Court is of the opinion that Police investigation is going on at this stage and some people are yet to be arrested.

9. Therefore at this stage, the bail prayers of the petitioners are not found to be satisfactory.

10. Therefore, the bail application stands dismissed and disposed of accordingly.

11. Case Diary shall be returned.

JUDGE

Comparing Assistant