

GAHC010150842024



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

Case No. : Bail Appln./2212/2024

SAMLAI BASUMATARY @ SWKHANG AND ANR
S/O LT. SARBESWAR BASUMATARY, VILL- BORIGAON, P.O. AND P.S.-
UDALGURI, DIST- UDALGURI, ASSAM, PIN-784509

2: KANAK LAL BRAHMA
S/O RAMNATH BRAHMA
VILL- MATIADOL
P.O.-MANGLADHARA
P.S.-BOGRIBARI
DIST-KOKRAJHAR
ASSAM
PIN-78333

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S CHAUHAN, R DEB, M. BORUAH, MR N ALAM, MR. P MAZUMDER

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 30.08.2024

Heard Mr. S.Chauhan, learned counsel for the petitioner and Mr. B.Sharma,

learned Addl.Public Prosecutor for the State respondent.

By this application filed under Section 483 of the Bharatiya Nagarik Surakshya Sanhita, 2023, the accused-petitioner, namely, 1. **Samlai Basumatary @ Swkhang** and 2. **Kanak Lal Brahma** have prayed for bail in connection with **Udalguri PS Case No. 71/2024** under Section 25 (1-AA) of the Arms Act.

Case diary is received.

The learned counsel for the petitioners submits that the petitioners have been languishing in judicial custody for last 73 days. Though weapons were recovered on the basis of their statements but there is no allegation of using of such weapons by the petitioners and as such, offence alleged is not attracted in the case. Hence, considering length of detention, the privilege of bail may be granted to them.

Learned Additional Public Prosecutor on the other hand has produced the case diary and submits that both the petitioners are surrendered NDFB cadre. Petitioner No. 2 was arrested first on receipt of secret information of keeping of arms in their house and petitioner No.2 led the police officials to the house of the petitioner No.1 and subsequently on search, one AK-56 Rifle, one Magazine, 500 Nos. of 7.62 mm Ammunition along with 169 Nos. of 7.62 mm Ammunition were recovered from the house of one Primi Basumatry. Hence, learned Addl.P.P. has opposed in granting bail to the petitioners.

I have considered the submission of learned counsel for the parties and also perused the case diary and the FSL report.

From the FSL report, it reveals that the recovered rifle is serviceable and the ammunitions are live. It is seen that investigation is still pending and as such, this Court is not inclined to grant bail to the petitioners at this stage.

Hence, prayer for bail is rejected.

The bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant