

GAHC010151752024



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

Case No. : Bail Appln./2218/2024

MD. JOHIRUL ISLAM
S/O NURUL ISLAM
R/O NO. 2 BHATIAKHALI
P.S. RUPAHIHAT
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MD IMRAN, MD R ISLAM, MR. S RAHMAN, MS F HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

31.07.2024

1. Heard learned counsel Mr. S. M. Abdullah P for the petitioner Md. Johirul Islam.

2. This application has been filed by the petitioner under Section 483 of the BNSS, 2023 with prayer for bail as he is behind bars since 24.07.2024 in connection with Gohpur P.S. Case No. 82/2024 under Section 380 of the IPC. The petitioner has been arrested in connection with this theft case.
3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.
4. It is submitted on behalf of the petitioner that vide order dated 15.07.2024, the Zimma of the vehicle transporting the cattle bearing registration No. AS-02S-0313 has already been handed over to the petitioner. It is also submitted that the petitioner was not aware that the cattle was being carried in his vehicle and he is not involved in transporting the stolen cattle or smuggling the cattle. The petitioner was not present when the cattle was recovered from the possession of one, Ikramul Hoque.
5. I have considered the submissions at the Bar with circumspection.
6. I have also considered the submission that the smuggled cattle was recovered from the possession of Ikramul Hoque.
7. The vehicle has already been given in Zimma to the petitioner and he was not present at the time of the incident.
8. 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 SDJM(M), Gohpur 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.

9.

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

JUDGE

Comparing Assistant