

GAHC010157042024



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

Case No. : AB/2051/2024

NUR HOSSAIN SHEIKH AND NOOR HASSAN SHEIKH
S/O JAYAN UDDIN SHEIKH
R/O VILL AND P.O. BARUNDANGA
P.S. TAMARHAT, DIST. DHUBRI, ASSAM, MOBILE NO. 7002778142

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTORS, ASSAM

Advocate for the Petitioner : MR. A K AHMED, MD A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

06.09.2024

1. Heard learned counsel Mr. A. K. Ahmed for the petitioner Nur Hossain Sheikh @ Noor Hassan.
2. The petitioner has filed this application under Section 482 of the BNSS, 2023

with prayer for pre-arrest bail as he is apprehending arrest in connection with Kakopathar Police Station Case No. 25/2024 corresponding to GR Case No. 429/2024 registered under Sections 379/420/406 of the IPC.

3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.
4. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.
5. The FIR unfolds that the informant booked a Road carriage via Siliguri Kolkata Roadlines, Tinsukia on 08.06.2024 and the Roadlines provided a Goods Carriage Truck bearing registration No. AS-18-AC-5548 of Ashok Leyland model registered in the petitioner's name. Accordingly, the truck was loaded at Diyun and brought to Tinsukia. The load was to be delivered to one, Jafar Ali at Goroimari, Kamrup, (R). The load was of 11.552 kg of green betel nut amounting to Rs. 5,08,288/-. The truck commenced its journey on 09.06.2024, at about 6-6:30 am from Tinsukia. After 11 am, the phone nos. of both the driver and handyman were found switched off, and the Truck was not traced out. On enquiry, the Truck was found at Sagalia, Dhubri without the load, and the owner of the Truck was trying to change the name plate and the colour, sticker, etc of the Truck.
6. I have scrutinized the Case Diary. Indeed there are incriminating materials in

the Case Diary against the petitioner. There are prima facie allegations against the petitioner in the FIR.

7. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner. Hence, petition is rejected at this stage.

8. Send back the Case Diary.

JUDGE

Comparing Assistant