

GAHC010157052024



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

Case No. : AB/2048/2024

SHOMAR ALI
S/O LT. WALI HUSSAIN
ADDRESS- GERUA MUKH
P.O. SAMAGURI
P.S. KHATUAL, DIST. NAGAON, ASSAM
PIN- 782140

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. G BORAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

06.09.2024

1. Heard Ms. M. Deka, learned counsel for the petitioner, Shomar Ali, who has filed this application under Section 482 of the BNSS, 2023, with prayer for bail as he is apprehending arrest in connection with Khetri PS Case No. 99/2024,

registered under Sections 303(2)/317(2)/3(5) of the BNS, 2023, read with Section 11 (1) (a) (d) (e) of the Page No.# 2/3 Prevention of Cruelty to Animal Act, 1960 and read with Section 13 (1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021.

2. The allegation is that 15 heads of cattle were recovered from the vehicle bearing Registration No. AS-01-RC-6814. It is alleged that the vehicle was transporting smuggled cattle violating the provisions of law.

3. It is submitted on behalf of the petitioner that the petitioner is the owner of the aforementioned vehicle and one Nabi Hussain had hired the vehicle from the petitioner. The petitioner was not aware in what manner his vehicle was being used.

4. The cattle alleged to have been smuggled are also purchased cattle and documents relating to purchasing of cattle has been annexed as Annexure-F series.

5. It is submitted that Nabi Hussain has purchased the cattle and he has hired the vehicle.

6. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

7. I have considered the submissions at the Bar with circumspection.

8. Learned Additional Public Prosecutor has submitted that the petitioner could not appear before the Investigating Officer due to his health condition.

9. I have considered the submissions on behalf of both the sides. The petitioner is a local resident and he is not a flight risk.

10. Considering all aspects, I deem it fit to grant pre-arrest bail to the petitioner.

Interim order dated 07.08.2024 is hereby made absolute under the same terms and conditions.

Send back the Case diary.

JUDGE

Comparing Assistant