

GAHC010158652024



2024:GAU-AS:12127

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

Case No. : AB/2064/2024

MD NAKIBUL HOQUE
S/O NURUL HOQUE
R/O DHINGARATI
P.S. LAHARIGHAT,
DIST. MORIGAON, 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 : ,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-12-2024

Heard Ms. F Hussain, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending his arrest, the petitioner namely, **Md. Nakibur Hoque**, son of Nurul Hoque, resident of Village-Dhingarati, P.S.-Laharighat, District-Morigaon has filed this

application under Section 482 BNSS, 2023 seeking pre arrest bail in **Laharighat Police Station Case No. 90/2024** registered under Sections 406/407/420 IPC read with Section 7 of the Essential Commodities Act.

3. Petitioner is the president of the school management committee of Laharighat Higher Secondary School and one of the FIR named accused person of Laharighat Police Station Case No. 90/2024.

4. As per the FIR dated 03.05.2024, the case is that the petitioner along with another accused person sold Mid-Day-Meal rice of 40 bags to one Mr. Muktar Hussain along with the Principal In-charge of said higher secondary school which was recovered from the godown of said Muktar Hussain and the truck by which it was carried to the said godown.

5. The Court by order dated 08.08.2024 granted interim bail to the petitioner in said Laharighat P.S. Case No. 90/2024, pursuant to which, according to Ms. F Hussain, learned counsel for the petitioner, he appeared before the concerned Investigating Officer of the case and his statement has also been recorded.

6. On being enquired, Mr. B Sarma, learned APP, Assam from the case diary has submitted that on receipt of notice under Section 41 CrPC, the petitioner appeared before the concerned I.O. of said Laharighat P.S. Case No. 90/2024 and the case diary indicates that the petitioner is co-operating with the investigation of the case.

7. Considering such materials in the case diary, the Court is of the view that custodial detention of the petitioner is not warranted for investigation of said Laharighat P.S. Case No. 90/2024. As such, this pre arrest bail application of the petitioner is accepted.

8. Accordingly, the interim pre-arrest bail granted to the petitioner on 08.08.2024 in said Laharighat P.S. Case No. 90/2024, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the said order dated 08.08.2024 and on compliance of the following conditions that the petitioner – **(i)** shall not hamper with the investigation, or tamper with the evidence of the case; **(ii)** shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and **(iii)** shall not involve himself in any criminal activities in future.

- 9.** Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 08.08.2024, noted above, by the petitioner, named above, the pre-arrest bail granted to him in the aforementioned Laharighat P.S. Case No. 90/2024 shall stand automatically vacated.
- 10.** This pre-arrest bail application accordingly stands disposed of.
- 11.** Return the case diary herewith.

JUDGE

Comparing Assistant