

GAHC010162372024



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

Case No. : Bail Appln./2416/2024

AKSADUR RAHMAN @ AKSHADUR RAHMAN
S/O ATOWAR RAHMAN, R/O VILL- KATLAMARI, P.S.-LAKHIPUR, DIST-
GOALPARA, ASSAM

2: ABDUR REZZAK
S/O LATE AYNAL HOQUE
R/O VILL- KATLAMARI
P.S.-LAKHIPUR
DIST- GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M KHAN, MR S PRODHANI, MR Z RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22.08.2024

Heard Mr A M Khan, learned counsel for the petitioners, 1) Aksadur Rahman and 2) Abdur Rezzak who have filed this application under Section 483 of the Bharatiya

Nagarik Suraksha Sanhita, 2023, with prayer for bail as they are behind bars since 18.07.2024, in connection with Lakhipur PS Case No. 189/2024, under Sections 61(2)/303(2)/111 of the Bharatiya Nyaya Sanhita, 2023, read with Section 13 of the Assam Cattle Preservation Act.

2. The petitioners have been apprehended in connection with cattle theft.
3. It is submitted that petitioners are not guilty of smuggling of cattle.
4. It is also submitted that further custodial detention of the petitioners may not be required as the petitioners have been behind bars for more than 33 days.
5. I have considered the submissions at the Bar with circumspection.
6. It appears that investigation may have presumably progressed to a certain extent.
7. It is submitted that cattle has already been recovered and seized in connection with this case.
8. The petitioners have also pledged to cooperate with the remaining part of investigation and to abide by any stringent bail conditions, if imposed upon them.
9. Considering all aspects, petition is allowed. The petitioners are enlarged on bail of Rs 30,000/- (Rupees Thirty Thousand), each with one suitable surety each of the like amount to the satisfaction of the CJM, Goalpara, under the conditions that:
 - (i) the petitioners shall cooperate with the remaining part of investigation, and
 - ii) the petitioners shall refrain from such activities with which they are alleged.
- 9.1. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

10. Bail Application stands disposed of.

JUDGE

Comparing Assistant