

GAHC010164292024



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

Case No. : Bail Appln./2425/2024

MD. JAMIR ALI
S/O SRI MD. USMAN ALI, R/O MOHGHULI, BORGOLA, P.S.-NORTH
LAKHIMPUR, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE, MR A ISLAM, MR N ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.09.2024

- 1)** Heard Mr. F. Haque, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.
- 2)** This application under Section 483 of the BNSS, 2023 has been filed by the petitioner Md. Jamir Ali, who has been detained behind the bars since

24.07.2024 (for last 49 days) in connection with North Lakhimpur P.S. Case No.195/2024 under Sections 61(2)/318(4)/179/180/112 of the BNS.

3) The gist of accusation in this case is that on 21.07.2024, one Bitupon Gogoi had lodged an FIR before the Officer In-Charge of North Lakhimpur Police Station, *inter-alia*, alleging that after receiving the credible information through secret sources, a search operation was conducted at village Pub Pandhowa, North Lakhimpur and one boat shaped of fake gold along with suspected fake Rs.500/- notes were recovered from one MD Sahabul Islam. The said Sahabul Islam was arrested and during interrogation, he disclosed that he had received the seized materials from the present petitioner.

4) The learned counsel for the petitioner has submitted that the petitioner is no way involved in the offence alleged in the FIR and nothing was recovered from his possession.

5) The learned counsel for the petitioner has submitted that the petitioner has been arrested only on the basis of the statements of the co-accused, however no incriminating substance was found from his possession.

6) The learned counsel for the petitioner has also submitted that the petitioner has been detained behind the bars for last 49 days and considering the period of detention he may be allowed to go on bail. He also submits that the petitioner is ready to co-operate with the Investigating Officer during the investigation.

7) On the other hand, learned Additional Public Prosecutor has opposed to the grant of bail to the petitioner on the ground that there are incriminating materials against the petitioner and he has also produced the Case Diary of North Lakhimpur P.S. Case No.195/2024.

8) The learned Additional Public Prosecutor has submitted that a Boat

shape golden color metal weighing 1.6 Kg was found from his possession. Learned Additional Public Prosecutor submits that the seized article is found to be an alloy of Copper and Zinc.

9) The learned Additional Public Prosecutor has submitted that the said article is used by the petitioner in duping innocent people by making them to believe that the article is of pure gold.

10) I have considered the submissions made by the learned counsel for both the sides and have perused the Case Diary of North Lakhimpur P.S. Case No.195/2024. Apart from recovery of the fake golden article which is found to be an alloy of Copper and Zinc, no incriminating materials has been found from his possession. The Case Diary shows that the incriminating materials i.e., fake currency were found from the possession of the co-accused, namely Sahabul Islam only.

11) Considering the above facts, this Court is of the considered opinion that further custodial detention of the petitioner may not be necessary for fair completion of the investigation of North Lakhimpur P.S. Case No.195/2024.

12) In view of the reasons discussed above, the petitioner Md. Jamir Ali is allowed to go on bail of Rs.30,000/-(Rupees Thirty thousand only) with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, subject to the conditions that:-

- (i) the petitioner shall co-operate in the investigation.
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

- 13)** This bail application is accordingly disposed of.
- 14)** Send back the Case Diary.

JUDGE

Comparing Assistant