

GAHC010167542024



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

Case No. : Bail Appln./2508/2024

MOBARAK HUSSAIN
S/O ANOWAR HUSSAIN, R/O VILL- AHMEDPUR, P.S.-GOSSAIGAON, DIST-
KOKRAJHAR (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN, MR S A
BARBHUYAN, MS SURAYA RAHMAN, MR. SURAJIT DAS, MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.08.2024

1. Heard learned counsel Mr. S. Nawaz for the petitioner Mobarak Hussain.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 07.08.2024 in connection with Gossaigaon Police Station Case No. 122/2024

under Sections 303(2)/317(2)/3(5) of the BNS read with Section 13(1) of the ACP(Amendment) Act.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he is complicit in transporting 8 heads of cattle through a Bolero pickup vehicle bearing registration No. AS-16-C-4557. It is submitted that the vehicle was already apprehended and the cattle have been seized.

5. The petitioner has prayed for bail on the ground of length of detention.

6. I have considered the submission at the Bar that the cattle has already been recovered along with the vehicle. It appears that custodial detention may not be required for the progress of investigation. The petitioner is a local resident and he is not a flight risk. The petitioner is willing to cooperate with the remaining part of the investigation.

7. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned SDJM (M), Gossaigaon under the conditions that:

(i) The petitioner shall co-operate with the remaining part of the investigation,

(ii) The petitioner shall refrain from such activities with which he is alleged, and

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

8. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

JUDGE

Comparing Assistant