

GAHC010168302024



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

Case No. : Bail Appln./2471/2024

BHASKAR BHUYAN
S/O KHAGESWAR BHUYAN
RESIDENT OF VILLAGE BURIGANG, UPPOR BAGHMARA ,PS GINGIA, DIST
SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. N MAHAJAN, MR. D BORA,MR. P K DAS,MR. A
CHAUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 19.08.2024

Heard Mr. B.K.Mahajan, learned counsel for the petitioner as well as Mr.
D.P.Goswami, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik Surakshya
Sanhita, 2023 the accused-petitioner, namely, **Bhaskar Bhuyan** has prayed for

grant of bail in connection with **Gingia P.S. Case No.61/2024** under Sections 61(2)/303(2)/318 (4)/317 (2) of BNS, 2023 r/w Section 53 (1) (a) of Assam Excise Act.

The matter relates to smuggling of qwc liquor from Arunachal Pradesh to Assam.

The learned counsel for the petitioner submits that the petitioner is a police constable who is the owner of the vehicle bearing registration No. AS-12-AK-1900 from which Arunachalee made liquor was recovered. It is submitted that offence under section 303(2)/318 (4)/317 (2) of BNS, 2023 as well as Section 53 (1) (a) of Assam Excise Act attributed in the instant case cannot be made out against the petitioner, which falls within the ambit of Section 63 of the Assam Excise Act, which is bailable in nature. Section 63 of the Excise Act is applicable in this case as the vehicle was used for commission of the crime. There is no allegation in the FIR or the forwarding report that the petitioner was involved in stealing of such Arunachalee liquor which was found in his vehicle. The petitioner has been in judicial custody for last 26 days since his arrest on 25.07.2024 and as such, considering length of detention, the petitioner may be enlarged on bail.

The learned Addl.P.P. has submitted that bail may be considered on perusal of case diary.

Having heard the learned counsel for the parties and considering the nature of the offence, this court is of the view that further custodial interrogation of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 40,000/-** with a surety of like amount to the

satisfaction of the learned **CJM, Biswanath Chariali**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **CJM, Biswanath Chariali** without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner 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 him from disclosing such facts to the Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant