

GAHC010168682024



2024:GAU-AS:12850

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

Case No. : AB/2198/2024

NAIBAR HOSSAIN
S/O ABUL KASHEM MIYA
R/O VILL- DUDHERKUTHI
P.O. DUDHERKUTHI
DEWANBASH, DIST. COOCH BIHAR,
WEST BENGAL, PIN-736170

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : M HOSSAIN, MD A WADUD,MR. Z H AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

17-12-2024

Heard Mr. M Hossain, learned counsel for the petitioner. Also heard Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. On 26.12.2023 during naka checking in the early morning at around 7:30 AM a Bolero Pickup vehicle bearing Registration No. WB-63-8596 was found without the rear side tyre of it

on the road. Though the said vehicle was carried to the Kajalgaon Police Station with the help of the police personnel but no one was found in the vehicle except the key of the vehicle attached with it. After the vehicle was brought to the police station, blue colored plastic cover was removed from the back side of the vehicle and seven cattle were found inside it covered under few numbers of cartons carrying vegetables. Those seven cattle were seized along with the said Bolero Pickup vehicle bearing Registration No. WB-63-8596 and accordingly, Kajalgaon Police Station Case No. 170/2023 was registered under Sections 379/413/411/34 IPC read with Section 13(1) of the Assam Cattle Preservation Act, 2021 read with Section 11 of the Cruelty to Animal Act, 1960.

3. The Court by order dated 12.11.2024 granted interim bail to the petitioner, pursuant to which, he appeared before the concerned Investigating Officer of the case and his statement was accordingly recorded.

4. Mr. B Sarma, learned APP, Assam from the case diary has submitted that the petitioner is the owner of the said Bolero Pickup vehicle bearing Registration No. WB-63-8596 seized in the case and that it was the driver of the said vehicle who was involved in the case.

5. 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 Kajalgaon Police Station Case No. 170/2023. As such, this pre arrest bail application of the petitioner is accepted.

6. Accordingly, the interim pre-arrest bail granted to the petitioner on 12.11.2024 in said Kajalgaon Police Station Case No. 170/2023, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the said order dated 12.11.2024, noted above.

7. Any violation of the terms and conditions as specified in the order dated 12.11.2024, noted above, by the petitioner, namely, **Naibar Hossain**, son of Abdul Kashem, the pre-arrest bail granted to him in the aforementioned **Kajalgaon Police Station Case No. 170/2023** shall stand automatically vacated.

8. This pre-arrest bail application accordingly stands disposed of.

9. Return the case diary herewith.

JUDGE

Comparing Assistant