

GAHC010169072024



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

Case No. : AB/2192/2024

MAJLUM HOQUE
S/O JAMAL UDDIN SHEIKH
R/O KHERABARI
PART-IV,
P.S. AGOMONI, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MRS. S ROY, MS. B. HAZARIKA, MS F N ZAMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.08.2024

Heard Ms R Choudhury, learned counsel and Ms B Hazarika, learned counsel, appearing on behalf of Ms S Roy, learned counsel for the petitioner, Majlum Hoque.

2. The petitioner has filed this application Section 482 of the BNSS, 2023, with payer for pre-arrest bail, as he is apprehending arrest in connection with Agomoni PS Case No.

59 of 2024, under Section 303(2)/317(2)/3(5) of the BNS, 2023.

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

4. The allegation against the petitioner is that 44 numbers of rice bags meant for beneficiaries were found in his possession inside his house. When the investigating team reached the petitioner's house, he and his wife were found missing. When his wife was confronted she could not justify why so many bags of rice, i.e. 1100 kgs of rice was stored in her residence. At present, the petitioner is apprehending arrest as the rice was recovered from his house.

5. It is submitted on behalf of the petitioner that the vehicles carrying the rice bags were stuck in the mud and as a temporary relief, the rice bags were stored in his house.

6. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner.

7. I have also scrutinized the Case Diary.

8. Indeed there are incriminating materials in the Case Diary against the petitioner.

9. Investigation is still under progress.

10. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner. Petition stands rejected, at this stage.

11. Send back the Case Diary.

JUDGE

Comparing Assistant