

GAHC010170882024



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

Case No. : Bail Appln./2517/2024

AMIT TIMUNG
S/O RAMESH TIMUNG, R/O 2 NO, BORJARANI, BHARALIJULI, P.O.-
BORJARNAI, P.S.-GINGIA, DIST-BISWANATH, ASSAM, PIN-784184

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI, MS M NIROLA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 21.08.2024

Heard Mr. P. Bordoloi, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Amit Timung**, has prayed for bail in connection with **Gingia P.S. Case No.**

61/2024(corresponding to GR Case No. 335/2024) **under Section 61(2)/303(2)/318(4)/317(2) of BNS, 2023 r/w Section 53(1)(a) of Assam Excise Act.**

It has been submitted by the learned counsel for the accused-petitioner that the petitioner is the driver of the vehicle bearing Regd. No. AS-12-AK-1900 from which Aranachalee made liquor was recovered. It is also 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. It is further submitted that the co-accused in this case has already granted bail by this Court. The accused-petitioner has been detained in custody for last 28 days since his arrest on 24.07.2024. Considering the nature of offence as well as length of detention, petitioner may be enlarged on bail.

In response, Mr. Goswami, learned Additional Public Prosecutor for the State has submitted that investigation is still going on so that the prayer of the accused/petitioner may be considered after perusal of the case diary.

I have considered the submissions made by the learned counsel for the parties. I have also perused the averments made available on record.

Considering the background of the case as well as the length of detention of the accused-petitioner in custody, this Court is of the view that further custodial detention of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Gingia P.S. Case No. 61/2024**(corresponding to GR Case No. 335/2024) **under Section 61(2)/ 303(2)/318(4)/317(2) of BNS, 2023 r/w Section 53(1)(a) of Assam Excise Act,** on furnishing bail bond

of **Rs.40,000/-** with one suitable surety of the like amount to the satisfaction of learned CJM, Biswanath Chariali, Assam.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Biswanath Chariali, Assam., without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 Court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant