

GAHC010170912024



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

Case No. : AB/2197/2024

LAXMAN SONARI
S/O LATE JAMUNA SONARI
R/O RAMPUR ROAD,
NEW MARKET, P.S. AND DIST. HOJAI- 782435

VERSUS

THE STATE OF ASSAM
THROUGH PP, ASSAM

Advocate for the Petitioner : MR. S C KEYAL, K JAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30-09-2024

Heard Mr. S.C. Keyal, learned counsel for the petitioner Sri Laxman Sonari, who has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with Hojai Police Station Case No. 238/2024 under Sections 303(2)/317(2)/3(5) of the Bharatiya Naya Sanhita, 2023.

2. Heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam for the respondent State. Learned Additional Public Prosecutor has raised objection against the petitioner's prayer for bail.

3. I have perused the case diary and also the materials available on record.

4. The FIR unfolds that the investigating team based on GD Entry No. 04 dated 12.08.2024 proceeded to Gobindapally for an enquiry on receiving the information of smuggling of gold. The house of Rahul Debnath was searched and cash of Rs.44,10,900/- (Rupees Forty Four Lacs Ten Thousand Nine Hundred) was found in the rented room of the accused named in the FIR. When confronted, the accused failed to give any satisfactory reply relating to the source of the money. It was assumed that the amount which was recovered was definitely relating to smuggled gold.

5. It is submitted on behalf of the petitioner that he is a businessman by profession and is running his jewellery shop in the name of Maa Yashoda Jewellery at Natun Bazar, Hojai which mainly deals with silver ornaments. It is also submitted that one of the accused named in the FIR Biplab Mazumdar has been arrested in connection with this case. It is submitted that the petitioner is innocent but he is apprehending arrest as Biplab Mazumdar is his employee.

6. I have considered the submissions at the Bar and also scrutinized the case diary. The petitioner has appeared before the I/O and has cooperated with the investigation. The petitioner has not violated the bail condition as imposed by this Court.

7. Considering all aspect, the interim bail order 22.08.2024 is hereby made absolute with the same terms and conditions.

- 8.** Anticipatory Bail application stands disposed of.
- 9.** Send back the case diary.

JUDGE

Comparing Assistant