

GAHC010171952024



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

Case No. : Bail Appln./2546/2024

KISHAN GHISING
S/O SRI PREM GHISING, R/O NA-KUNIA VILLAGE, P.S.-BEHALI, DIST-
BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. H S BORAH, MR. P KAKATI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.08.2024

1. Heard learned counsel Mr. H. S. Borah for the petitioner Kishan Ghising.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 27.07.2024 in connection with Helem Police Station Case No. 52/2024 under

Sections 303(2)/317(2)/318(4) of the BNSS read with Section 53(1)(a) of Assam Excise(Amendment) Act.

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

4. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner's prayer for consideration of bail petition on the length of detention ought to be dismissed, as the offences are of grave nature and of staggering magnitude.

5. I have considered the submissions at the Bar.

6. The FIR unfolds that on a tip-off, the investigating team conducted a Naka checking at Brahmajan Centre where a vehicle bearing Registration No. AS-01-AA-0671, upon receiving information through sources was spotted, and when the investigating team signaled the vehicle to stop, the vehicle fled past, but the investigating team apprehended the vehicle and seized six cartons of various brands of liquor for sale in Arunachal Pradesh. The articles were sold through black marketeering. I have considered the submission that the petitioner has been behind bars for 33 days.

7. I have also considered the submission that the petitioner is willing to cooperate with the remaining part of the investigation. It appears that investigation may have presumably progressed to a certain extent. It appears that custodial interrogation may not be required for the progress of the investigation.

8. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the

learned SDJM, Gohpur under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged,
- (ii) The petitioner shall co-operate with the remaining part of the investigation, and
- (iii) The petitioner shall not Jump the bail.

9. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. In terms of the above observation, Bail Application stands disposed of.

JUDGE

Comparing Assistant