

GAHC010172252023



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

Case No. : AB/2733/2023

RISHAV ROY
S/O SRI ROBIN ROY
R/O LACHIT PATH, LALGANESH
ODALBAKRA, GUWAHATI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A GANGULY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08-01-2024

1. Heard Mr. A. Ganguly, learned counsel for the petitioner.
2. The petitioner Rishav Roy has filed this application under Section 438 Cr.PC, with prayer for

pre-arrest bail, as he is apprehending arrest in connection with Basistha PS Case No. 436/2023 registered under Sections 120(B)/380/420 of the Indian Penal Code, R/W Section 53(1)(a) of The Assam Excise (Amendment) Act, 2018.

3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State of Assam.

4. The FIR unfolds that on 24.07.2023 as per G.D. Entry, a naka (checking) was held at 10 PM by PAPA-II and at about 12.15 on 25.07.2023. A tipoff was received that IMFL from Arunachal was in the process of being loaded and the consignment was transferred from one truck to another near the Basistha police station just opposite of Central Jail of Lokhra. The liquor laden trucks bearing No. AS01EC6245 and AS01LC645 are seized in connection with this case. It is submitted that the petitioner is the owner of the truck No. AS01EC6245. It is also submitted that there is no allegation that the petitioner was involved in transferring liquor from one truck to the another. It is also submitted that there is no allegation in the FIR relating to contravention of Assam Excise Amendment Act or any act, under the Indian Penal Code.

5. I have considered the submission at the Bar that the petitioner who was granted interim bail vide order dated 07.08.2023 has already appeared before the IO and he has co-operated with the investigation. The Case Diary reveals the statement of the petitioner.

6. Considering all aspects and in view of my foregoing discussions, the interim order dated 07.08.2023 is hereby made absolute.

Send back the Case Diary.

JUDGE

Comparing Assistant