

GAHC010178722024



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

**Case No. : Bail Appln./2621/2024**

DIGANTA TAMULI  
S/O SOMESWAR TAMULI @ SUMESWAR TAMULI, R/O VILL-  
NAGAKHELIA, P.S.-DHEMAJI, DIST- DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. B K GOGOI, C. DEKA, MR. B BISHAYA

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**03.09.2024**

1. Heard Mr. B. K. Gogoi, learned counsel for the petitioner Diganta Tamuli.
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 13.08.2024 in connection with Dhemaji P.S. Case No. 148/2024 under Sections

61(2)/305 of the BNSS read with Section 7 of the EC Act.

3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he is the stockist and he was selling domestic/commercial LPG cylinders in his house premises. It is submitted on behalf of the petitioner that he has been illegally selling domestic/commercial LPG cylinders in his house in the garb of a stockist.

5. Learned Additional Public Prosecutor has raised objection stating that 22 full LPG cylinders, 2 empty cylinders and 23 commercial cylinders were found in his house. The offence alleged is of grave nature as 38 cylinders were found in his house.

6. Learned counsel for the petitioner on the other hand, has submitted that the petitioner's wife Karishma Sonowal is an authorized distributing agent and Annexure-3 reflects the same.

7. I have considered the submissions at the Bar that the petitioner has been behind bars since 13.08.2024. It appears that further custodial detention may not be required for progress of the investigation.

8. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Dhemaji, under the conditions that:

(i) The petitioner shall refrain from such activities with which he is alleged,

(ii) The petitioner shall appear before the Investigating Officer every fortnight till completion of investigation, and

(iii) The petitioner shall not leave the jurisdiction of the Court till completion of the trial

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**