

GAHC010182592024



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

Case No. : AB/2372/2024

SRI PRANAB DOLEY
S/O SRI BHUPEN DOLEY
R/O VILL TAMAR GAON
P.S. DHAKUAKHANA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. N H BARBHUIYA, MR. S Y AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 23.09.2024

Heard Mr. N.H. Barbhuiya, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

By this petition filed under Section 482 of the Bharatiya Nagarik

Suraksha Sanhita, 2023, the petitioner, namely, **Pranab Doley**, has prayed for granting pre-arrest bail, apprehending arrest in connection with Dhemaji P.S. Case No. 144/2024 under Section 303(2) of BNS, 2023 and Section 53(1)(a) of Assam Excise Act.

It is submitted by the learned counsel for the petitioner that as per FIR, the petitioner is the driver of the vehicle in which IMFL liquor was illegally transported on the date of the incident. The co-accused who had taken the vehicle on rent on purchasing the alleged IMFL liquor. On being searched by the police, the petitioner managed to flee away from the place. It is also submitted that the petitioner was driving the said vehicle as paid driver and not involved in purchasing and selling of alleged IMFL liquor. The petitioner is no way connected in the instant case. Hence, the benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. Sarma, learned Additional Public Prosecutor submits that the petitioner is the driver of the vehicle from which large quantity of IMFL liquor was seized. The investigation is still in progress. At this stage, the privilege of the pre-arrest bail may not be considered to the petitioner.

I have considered the submissions made by the learned counsel for the parties. I have perused the case diary.

It appears that the petitioner is the driver of the vehicle from which large quantity of IMFL liquor was recovered and seized and the arrested accused who was present in the vehicle, is the owner of the said vehicle. Considering the materials available on record, this Courts finds that custodial

interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he is granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with Dhemaji P.S. Case No. 144/2024 under Section 303(2) of BNS, 2023 and Section 53(1)(a) of Assam Excise Act, he shall be released on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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.

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant