

GAHC010183172023



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

Case No. : AB/2898/2023

MD. AZIZUL SHIKDER AND ANR
SON OF MD. ASHAN UDDIN, RESIDENT OF VILLAGE- HEPCHACHOR,
BORGHAT, P.S. AND P.O. KASUMARA, DISTRICT- BARPETA (ASSAM), PIN-
781302

2: MD. SAHADAT ALI
SON OF LATE SALAM MIYA
RESIDENT OF VILLAGE- CHARAK PARA
P.S. AND P.O. BARPETA
DISTRICT- BARPETA (ASSAM)
PIN- 78130

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S S S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

25.01.2024

Heard Mr. M.R. Sodial, learned counsel for the applicants and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **S.T.F. P.S. Case No.**

11/2023, under Sections 379/411 of the IPC read with Section 7 of the E.C. Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Md. Azizul Shikder and Md. Sahadat Ali** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by SI Rohit Das, on 10.08.2023. The essence of allegations made in the FIR is that acting on a tip off the informant along with his team intercepted one Truck, bearing registration No. AS-15-AC-6752, at Janki Service Station in Amingaon and recovered 100 numbers of Urea bag, concealed under bags of Onions and the driver of the said vehicle could not produce any relevant documents of the said Urea.

4. Mr. Sodial, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants, vide order dated 22.08.2023, and pursuant to the said order, the applicants had appeared before the IO and have been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 22.08.2023, absolute in the same terms and conditions.

5. On the other Ms. Begum, learned Additional Public Prosecutor submits that though requisition was sent to the Officer In-Charge of the concerned PS to send the case diary on 22.08.2023; 21.09.2023; 19.10.2023; 12.12.2023; and 11.01.2024, she has not yet been received the case diary. Ms. Begum

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record.

7. Considering the fact that this Court was pleased to grant interim protection to the applicants, vide order dated 22.08.2023, and pursuant to the said

order, the applicants had appeared before the IO and have been cooperating with the investigating agency and as several opportunities was granted to the learned Addl. P.P. to produce the case diary and the same could not be produced till date, this Court is inclined to make the interim order dated **22.08.2023, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

Comparing Assistant

JUDGE