

GAHC010186082024



2024:GAU-AS:9905

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

Case No. : Bail Appln./2763/2024

MD FAIZUDDIN AHMED @ PINKU
S/O MD. PHOZIR AHMED, R/O PACHALI, AMLAPATTY, GOLAGHAT, P.S.-
GOLAGHAT, DIST- GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A SHARMA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 01-10-2024

Heard Mr. A. Sharma, learned counsel for the petitioner Md. Faizuddin Ahmed @ Pinku, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 22.08.2024 in connection with Dispur Police Station Case No. 0864/2024 under Section 306 of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the respondent State.
3. The allegation against the petitioner is that he was the driver of the vehicle bearing registration No. AS07J7008 of Baleno model. The informant was travelling with cash of Rs.33,00,000/- (Rupees Thirty Three Lacs) in his bag on 21.07.2024. Money was kept in a school bag with the other luggage under the dickey of the vehicle. It is suspected that at the time the informant had food, the petitioner had removed the money. The petitioner and the informant's wife were only aware of the bag containing money.
4. I have considered the submissions at the bar with circumspection.
5. It is submitted on behalf of the petitioner that the petitioner is arrested and forwarded to custody merely on suspicion. Further custodial detention would bear no fruit as the petitioner had not removed the money from the bag of the vehicle.
6. I have also scrutinized the Case Diary.
7. Learned Additional Public Prosecutor has raised objection stating that there are circumstantial evidence against the petitioner.
8. Considering the submissions and considering all aspects, it appears that custodial detention may not be required for further progress of the investigation.
9. The petitioner is 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 Eleka Magistrate under the condition that :

(i) the petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation and cooperate with the remaining part of investigation,

(ii) the petitioner shall not leave the jurisdiction of the Court without prior permission.

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

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

12. Send back the Case Diary.

JUDGE

Comparing Assistant