

GAHC010187652024



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

Case No. : Bail Appln./2766/2024

MD SHAHABUL ISLAM @ SAHABUL
S/O MD. ABDUL MAJID, R/O PUB PANDHOWA, P.O.-GORCHINGA, P.S.-
NORTH LAKHIMPUR, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH, MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 03.10.2024

- 1.** Heard Mr. K. Boruah, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 483 of the BNSS, 2023 has been filed by the petitioner, namely, Md. Shahabul Islam @ Sahabul, who has been detained

behind the bars since 21.07.2024 (for last 75 days) in connection with North Lakhimpur P.S. Case No. 195/2024 under Sections 61(2)/318(4)/179/180/112 of the BNS.

3. The gist of accusation in this case is that on 21.07.2024, one Bitupon Gogoi had lodged an FIR before the Officer-in-Charge of North Lakhimpur Police Station, inter-alia, alleging that after receiving the credible information through secret sources, a search operation was conducted at village Pub Pandhowa, North Lakhimpur and one boat shaped of fake gold along with suspected fake Rs.500/- notes were recovered from the present petitioner and he was arrested during interrogation, he disclosed that he had received the seized materials from Md. Jamir Ali.

4. The learned counsel for the petitioner has also submitted that the petitioner has been detained behind the bars for last 75 days and in the meanwhile two of the co-accused were arrested in connection with this case, namely, Md. Jamir Ali and Md. Mofidul Islam were already released on bail.

5. On the other hand, learned Additional Public Prosecutor has vehemently opposed to the grant of bail to the petitioner on the ground that there are incriminating materials against the petitioner. He has also produced the Case Diary of North Lakhimpur P.S. Case No. 195/2024 and has submitted that the offence of possessing fake/counterfeit Indian currency note is an organized offence and some other co-accused may be involved in the said offence and to find out their names, custodial detention of the present petitioner would be necessary. It is also submitted by the learned Additional Public Prosecutor that the present petitioner is a habitual offender and he has been involved in similar offence earlier also.

6. I have considered the submissions made by the learned counsel for the petitioner and also perused the case diary of North Lakhimpur P.S. Case No. 195/2024.

7. Though, there are incriminating materials against the present petitioner in the case diary, however, considering the fact that in the meanwhile two of the co-accused have already been released on bail and as well as considering the period of detention already undergone by the petitioner, this Court is of considered opinion that if the petitioner cooperates with the Investigating Officer in the investigation, his custodial detention may not be necessary for fair completion of the investigation of North Lakhimpur P.S. Case No.195/2024.

8. In view of the above, the petitioner Md. Shahabul Islam @ Sahabul is allowed to go on bail of Rs.30,000/-(Rupees Thirty thousand only) with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, subject to the following conditions:-

- (i) That the petitioner shall co-operate in the investigation;
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court;
- (iii) That the petitioner shall appear before the Investigating Officer of North Lakhimpur P.S. Case No.195/2024 once in every week for next three weeks or till the investigation is completed whichever is earlier.

9. With the above observation, this bail application is accordingly disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant