

GAHC010188982024



2024:GAU-AS:9779

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

Case No. : Bail Appln./2786/2024

SURESH KURMI
S/O LATE DURUP DEV KURMI
VILL- SANTIPUR, GOMERI
P.S. HELEM
DIST. BISWANATH
STATE- ASSAM
PIN-784176

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MR. A K DAS, MS. U NANDA, MR. F A HASSAN, MS A DAS, MS. K L R YANTHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

27.09.2024

Heard Mr S C Biswas, learned counsel for the petitioner, Sri Suresh Kurmi, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is

behind bars since 22.08.2024, in connection with Behali PS Case No. 72/2024, under Sections 120(B)/420/379/34 IPC, read with Section 53(1) (A) of the Assam Excise Act.

2. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam and Mr I Borthakur, learned counsel for the Assam Excise.

3. The FIR unfolds that during night patrolling between the intervening night of 20.08.2024 and 21.08.2024, at Behali area, the patrol party received a tip off relating to a white Tata Nexon car, without number plate, which was carrying illicit Arunachal made liquor. A vehicle of such description was intercepted at Kulaguri and the petitioner – cum- Manager of Sri Ram's Wine Shop at Baliyan was apprehended. Another vehicle involved in transporting Arunachal liquor managed to escape.

4. It is submitted that the alleged liquor/alcohol was not found in the possession of the petitioner.

5. The learned Additional Public Prosecutor has submitted that the order dated 03.09.2024, passed by the learned CJM, Biswanath, clearly reveals that there are incriminating materials in the Case Diary against the petitioner.

6. On the contrary, learned counsel for the petitioner has submitted that the petitioner has already been interrogated under the Police custody for 3 days, which is clearly reflected vide the aforementioned order dated 03.09.2024, passed by the learned CJM, Biswanath.

7. It is submitted that further detention may not be required for further progress of

investigation.

8. The petitioner is willing to abide by any stringent conditions, if imposed upon him.

9. It appears that bail may be granted to the petitioner.

8. Considering all aspects, petition is allowed. Petitioner is enlarged on bail of Rs. 30,000/- (Rupees Thirty Thousand Only) with a suitable surety of the like amount to the satisfaction of learned CJM, Biswanath, under the conditions that-

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

ii) the petitioner shall appear before the IO on every fortnight, till completion of investigation, and

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

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

9. Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant