

GAHC010192352024



2024:GAU-AS:11846

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

Case No. : AB/2481/2024

MOHAMMED ABUL HUSSAIN
S/O MD. ABDUL MUTLIB
R/O 64, HAJI ANFAR ALI COLLEGE ROAD,
WARD NO. 10, DOBOKA TOWN,
DOBOKA,
P.O. AND P.S. DOBOKA,
PIN-782440,
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI, MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

28.11.2024

1. Heard Mr. P. Bordoloi, learned counsel for the petitioner is present.
Also heard Mr. K. Baishya, learned Additional Public Prosecutor appearing for the

State of Assam.

2. The learned counsel for the petitioner has submitted that the petitioner was allowed to go on interim anticipatory bail by this Court, by order dated 19.09.2024 and in pursuant to the directions of this Court, the petitioner has appeared before the Investigating Officer and has co-operated in the investigation.

3. The learned counsel for the petitioner has also submitted that in the meanwhile, the main accused in the FIR has already been granted bail by this Court, by order dated 08.11.2024 passed in Anticipatory Bail No. 2430/2024.

4. The learned counsel for the petitioner has submitted that the petitioner is no way involved in the offence alleged in the FIR. The search for him was made by police only because he happens to be the brother of one Md. Anwar Hussain, who is the owner of New Hamdan Medical.

5. Learned Additional Public Prosecutor submits that though the case diary of Doboka P.S. Case No. 148/2024 is available, however, there is no endorsement in the said case diary, as to whether the present petitioner has appeared before the Investigating Officer or not.

6. I have considered the submissions made by the learned counsel for both the sides.

7. On perusal of the FIR, it appears that two accused persons were named in the FIR and there is also allegation that three pharmacists are also involved in the malpractices and one of the pharmacists named in the FIR is New Hamdan Medical. Since the main accused in the FIR has already been granted bail and as there is nothing in the case diary to suggest that the petitioner has abused the liberty granted to him. Hence, the interim anticipatory bail granted to the above-named petitioner, by order dated 19.09.2024 is hereby

made absolute with following condition that the petitioner shall once again appear before the Investigating Officer of Doboka P.S. Case No. 148/2024 within a period of 15(fifteen) days from the date of this order and shall co-operate in investigation.

8. With the above observations, this anticipatory bail is hereby disposed of.

JUDGE

Comparing Assistant