

GAHC010196002024



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

Case No. : Bail Appln./2873/2024

MAHANTA NARZARY
SON OF DINA NARZARY, RESIDENT OF NILAIJHORA, P.S. GOSSAIGAON,
DISTRICT- KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 23.09.2024

Heard Mr. K.Boruah, learned counsel for the petitioner. Also heard Mr. B.Sarma, learned Additional Public Prosecutor for the State.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) by the accused/petitioner, namely, **Mahanta Narzary** praying

for grant of bail in connection with **Gossaigaon P.S. Case No. 114/2024**, under Sections 303(2)/317 (2) of the Bharatiya Nayaya Sanhita, 2023 read with Section 13(1) of Assam Cattle Prevention (Amendment) Act, 2021.

The FIR reveals that on 11.07.2024, the informant along with his staff found 5 nos. of cattle which were carried in a vehicle in a very cruel manner coming from Jaraguri to Dawaguri side.

Learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offence. He was arrested on the basis of the statement of other accused person in this case. The owner of the vehicle as well as the other accused were arrested and already granted bail.

Learned Addl.P.P. has made objection against the prayer of the petitioner.

Having heard the learned counsel for the parties and considering the matter in its entirety and also the fact that the petitioner is in judicial custody for last 27 days, further detention of the petitioner in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 30,000/-** with a surety of like amount to the satisfaction of the learned **SDJM, Gossaigaon**, subject to the following conditions;-

- (i) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts

to the Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant