

GAHC010199532024



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

Case No. : AB/2572/2024

FULCHAND MOHAMMAD
S/O- MONTAJ ALI,
VILL- MAJGUMI,
P.O- AAG-GUMI,
P.S- CHAYGAON, KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : K RAHMAN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 24.10.2024

Heard Md. K. Rahman, learned counsel appearing for the petitioner and Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for grant of anticipatory bail to the petitioner in respect of Palashbari P.S. Case No. 253/2024 under

Sections 303(1)/3(5) of the BNSS, 2023 (corresponding to G.R. Case No.350(K)/2024).

3. On 08.07.2024, a truck bearing registration No.AS-01-DD-8863 was carrying wheat bags towards Rampur ITC, but the truck did not reach that place. Therefore, the informant lodged the FIR before police.

4. During investigation, it was found that the present petitioner and his associates had transferred the entire consignment to another vehicle and thereafter, sold the same to other persons.

5. The aforesaid facts constitute incriminating materials against the present petitioner. Therefore, he does not deserve to be given the privilege of Section 482 of the BNSS, 2023.

6. Accordingly, the bail application of the petitioner, Fulchand Mohammad is rejected and disposed of.

7. The CD shall be returned.

JUDGE

Comparing Assistant