

GAHC010201952024



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

Case No. : Bail Appln./2948/2024

AYUB ALI
S/O SYED ALI, R/O VILL- CHALANTAPARA PART-II, P.O.-CHALANTAPARA,
P.S.-JOGIGHOPA, DIST- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S H SIKDAR, MD IMRAN,MR. S HAQUE,MR. S K ZAMAN

Advocate for the Respondent : PP, ASSAM,

Linked Case : Bail Appln./2925/2024

BABULAL NARZARY
S/O LATE SUNIRAM NARZARY
R/O VILL- GOSSAIGAON WARD NO. 4
P.S.-GOSSAIGAON
DIST- KOKRAJHAR
ASSAM
PIN-783360

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. M KHAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

04.10.2024

Both the petitions are taken up together for disposal as they have arisen out of the same police case.

2. Heard the learned senior counsel Mr. M.K. Choudhury assisted by Mr. M. Khan, learned counsel as well as Mr. S.H. Sikdar, learned counsel appearing for the petitioners. Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

3. Both the applications are filed under Section 483 of the BNSS, 2023 praying for releasing the petitioners, namely- (1) Ayub Ali and (2) Babulal Narzary on bail who were arrested in connection with Bongaigaon P.S. Case No.296/2024 under Sections 61(2)(a)/ 336(3)/ 316(2)/ 340(2)/ 316(4)/342(1) of the BNS, 2023.

4. On 16th August, 2024, the District Transport Officer (DTO) Dipak Patowary had lodged an FIR before police alleging that while transferring a vehicle from Lakshadweep, the petitioner Babulal Narzary did not verify the documents. The District Transport Officer further alleged that without verifying those documents, Babulal Narzary had placed files before him for approving.

5. It may be mentioned that in this case, the D.T.O. Dipak Patowary was also arrested. Similarly, Babulal Narzary was also arrested along with the petitioner Ayub Ali.

- 6.** The case diary reveals that some people like the petitioner Ayub Ali bring those vehicles from outside the State and gets them registered at Bongaigaon District Transport Office and the DTO at Bongaigaon registered those vehicles.
- 7.** Both the petitioners were interrogated by police and they are now in judicial custody. They have completed more than 25 days in judicial custody.
- 8.** Mr. Das has objected to the bail prayer on the ground that these people are doing illegal acts.
- 9.** I have considered the submissions made by the learned counsel of both sides.
- 10.** This Court is of the opinion that the petitioners no longer deserve to be detained in custody. Their bail prayers are allowed.
- 11.** It is hereby directed the petitioners, namely- (1) Ayub Ali and (2) Babulal Narzary who were arrested in connection with Bongaigaon P.S. Case No.296/2024 under Sections 61(2)(a)/ 336(3)/ 316(2)/ 340(2)/ 316(4)/342(1) of the BNS, 2023, are allowed to go on bail of ₹20,000/- each with sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon.

The bail application is disposed of accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant