

GAHC010201162024



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

Case No. : Bail Appln./2958/2024

SAMAN ALI
S/O LT. ALI AKBAR, VILL- KADAMTOLA PART-II, ANANDANAGAR, P.O.-
BILASIPARA, P.S.-BILASIPARA, DIST- DHUBRI, ASSAM, PIN-783348

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD H R AHMED, M BEGUM,MR J I MONDAL,MR J ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

04/10/2024

Heard Mr. H R Ahmed, learned counsel for the petitioner and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam for the State.

This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been

filed by the petitioner, namely, **Saman Ali**, son of Lt. Ali Akbar, seeking bail in connection with **Gorchuk P.S. Case No. 259/2024** registered under Sections 61(2)/318(4)/ 316(2)/303(2) of BNS, 2023.

As per the FIR of the case, on 19.08.2024, a consignment of 392 nos. of different Excide batteries, all together amounting to Rs.29,81,906/- were sent to Bongaigaon through the broker, Nur Islam Sheikh by a truck bearing registration No. AS-27-C-7853 driven by one Rafiquel Sheikh. However, neither the said truck nor the said batteries reached Bongaigaon and the concerned driver in spite of repeated calls did not pick up his mobile phone. As such, the informant on 22.08.2024 lodged the FIR against the driver of the said truck, Rafiquel Sheikh, which was accordingly registered as Gorchuk P.S. Case No. 259/2024 registered under Sections 61(2)/318(4)/ 316(2)/303(2) of BNS, 2023 corresponding to G.R. No. 4952/2024.

During such investigation of Gorchuk P.S. Case No. 259/2024, the petitioner was arrested on 06.09.2024 and since then he is in custody.

It is seen that during the investigation along with the petitioner, two other accused persons of said Gorchuk P.S. Case were also arrested.

Perused the case diary placed before the Court today by Mr. Kaushik, learned Additional Public Prosecutor, Assam.

It is seen from the case diary and the note of the Investigating Officer of the case that the driver of the concerned truck unloaded those batteries in the house of one of the accused persons with the help of the petitioner and other accused persons of the case and then the petitioner along with the other accused persons of the case removed those unloaded batteries by different vehicles and sold them to another accused of the case. The batteries are yet to be recovered and the concerned driver as well as the helper of the said truck, in which the consignment of those batteries were sent to Bongaigaon, are evading arrest.

Finding sufficient incriminating materials in the case diary against the petitioner with regard to his involvement in the alleged crime, the Court is of the view that it is not a fit case to grant bail to the petitioner, namely, **Saman Ali** in said **Gorchuk P.S. Case No. 259/2024** at this state.

Accordingly, this bail application of the petitioner, named above, in said **Gorchuk P.S. Case No. 259/2024** stands rejected.

Return the case diary.

JUDGE

Comparing Assistant