

GAHC010204432024



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

Case No. : Bail Appln./2999/2024

BINES NAJIAR
S/O LATE YANG PAMKSANG, VILLAGE RATACHERRA, P.S. LALSHUOUNG,
DISTRICT JAINTIA HILLS, STATE MEGHALAYA.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA, S. M. ZINNA, MS A BEGUM, MS S R MAZARBHUIYA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

23.10.2024

1. Heard Mr. A. M. Barbhuiya, learned counsel for the petitioner Bines Najiar.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 12.07.2024 in connection with Hailakandi P.S. Case No. 32/2022 registered

under Section 379 of the IPC read with Sections 11/13/17/40 of the UA(P) Act corresponding to GR Case No. 88/2022 and Special (UAPA) Case No. 01/2022.

3. Heard Mr. K. K. Das, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that on 11.01.2022, on a secret information, the informant learnt that 1 unknown person has brought one loaded vehicle with coal and kept the same at Bandukmara garden area. A GD entry was registered as GDE NO. 143 dated 11.01.2022 relating to Bandukmara Outpost and investigation commenced. During the investigation, it has surfaced that the present petitioner is involved in this case, and charge-sheet has not been laid against the petitioner.

5. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the present petitioner that he is involved in an offence under the UAPA Act.

6. Learned counsel for the petitioner has submitted that the petitioner is behind bars for 103 days. It is further submitted on behalf of the petitioner that the Public Prosecutor has not prayed for extension of detention of the petitioner beyond 90 days, and thus the petitioner is entitled to bail.

7. I have considered the submissions at the Bar with circumspection.

8. I have perused the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. I have considered the length of detention. Investigation has also progressed substantially. The petitioner has pledged to abide by any stringent bail conditions, if imposed upon him.

9. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a

local surety of like amount to the satisfaction of the learned Jurisdictional Court under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged,
- (ii) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation, and
- (iii) The petitioner shall not exercise threats to the witnesses and co-operate with the investigation.

On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant