

GAHC010205032024



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

Case No. : Bail Appln./3009/2024

RUP KHAN AND ANR
S/O PAHAR KHAN, R/O VILL- DHANBANDHA, P.S.-BARPETA, DIST-
BARPETA, ASSAM

2: MOKBUL ALI
S/O LATE MAHER ALI
R/O VILL- KALBARI
P.S.-SORBHOG
DIST- BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MR. F A HASSAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 05.11.2024

Heard Mr. S.C. Biswas, learned counsel appearing for the petitioners as well as Mr. R.J. Baruah, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 483 of the BNSS, 2023 whereby the petitioners, 1. Rup Khan and 2. Mokbul Ali have prayed for releasing them on bail, after they were arrested in connection with Tarabari P. S. Case No. 56/2024 (corresponding to GR Case No.1170/2024) under Sections 61/123/309(4)/310(2) of the BNSS, 2023.

3. Mr. Baruah submits that the case diary has been transferred to Sarthebari Police Station pursuant to the order passed by the learned Chief Judicial Magistrate, Barpeta.

4. Mr. Biswas submits that these petitioners have already completed 51 days in judicial custody. According to Mr. Biswas, since the vehicle and the stolen goods have already been recovered, further custodial detention of the petitioners is not warranted.

5. On 15.09.2024, a truck bearing registration No.WB-53C-6095 loaded with iron pipes was hijacked. Subsequently, the truck loaded with iron pipes were recovered by police. The driver of the truck told the informant that these two petitioners alongwith two other persons had administered intoxicating substance to him and after that they had hijacked the vehicle.

6. Mr. Baruah has pointed out that in the police forwarding report, the hijacked truck alongwith iron pipes were recovered from the possession of the present petitioners.

7. I have considered the submissions made by the learned counsels of both sides.

8. The stolen goods have already been recovered. The petitioners have already completed 51 days in judicial custody. After hearing the learned counsels of both sides, this Court is of the opinion that the petitioners no longer

deserve to be detained in custody. Therefore, their bail application is allowed.

9. The petitioners, namely, 1. Rup Khan and 2. Mokbul Ali, who were arrested in connection with Tarabari P. S. Case No. 56/2024, shall be released on bail of Rs.20,000/- each with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta.

10. The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant