

GAHC010205482024



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

Case No. : Bail Appln./3004/2024

ABU BAKKAR SIDDIQUE ALIAS ABU BAKKAR SIDDIK JOADDAR
S/O- SAGAR ALI, ZADDAR,
R/O- VILLAGE NO-2 SERFANGURI, P.S- GOSSAIGAON,
DIST-KOKRAJHAR ASSAM

2: AZMAD ALI SK ALIAS ASMOT ALI ALIAS AJMOT ALI
S/O- SOMSER ALI

R/O- VILLAGE NO-2 POLASGURI

P.S- GOSSAIGAON

DIST-KOKRAJHAR ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : TAWHID ALOM LASKAR, A S CHOUDHURY, SAMIM
RAHMAN, MS SURAYA RAHMAN, MR A W AMAN, MR. SURAJIT DAS, MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 30.09.2024

Heard Mr. A.W. Aman, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor appearing for the State.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioners namely, **Abu Bakkar Siddique @ Abu Bakkar Siddik Joaddar and Azmad Ali Sk @ Asmot Ali @ Ajmot Ali**, have prayed for bail in connection with **Gossaigaon P.S. Case No. 152/2024** under Section 325/3(5) of BNS, 2023 r/w Section 13(1) of Assam Cattle Preservation Act, 2021.

3. The learned counsel for the petitioners submits that the petitioner No. 1 is the driver of the vehicle bearing Regd. No. AS-01-EQ-7146 from which 130 kg of suspected beef was recovered. The petitioner No. 2 is a labour. It is also submitted that the petitioners have been detained in custody for last 13 days since their arrest on 18.09.2024. It is further submitted that in this case, the suspected beef has already been recovered as such, there is nothing remain to investigate the case. Considering the period of detention as well as the background of the case, the petitioners may be enlarged on bail.

4. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State submits that considering the length of detention, bail may be considered to the petitioners with some stringent condition(s).

5. I have considered the submissions made by the parties. I have also perused the averments made in the petition.

6. It appears that the petitioners are the driver and labour of the said vehicle from which suspected 130 kg of beef was recovered. Considering the fact as well as the length of detention of the petitioners, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary for the purpose of investigation of the case.

7. Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Gossaigaon P.S. Case No. 152/2024** under Section 325/3(5) of BNS, 2023 r/w Section 13(1) of Assam Cattle Preservation Act, 2021, on furnishing bail bond of **Rs.20,000/- each with a suitable surety each** of the like amount to the satisfaction of learned SDJM(M), Gossaigaon, Assam.

8. The direction for bail is further subject to the conditions that the accused-petitioners:

(a) shall not leave the territorial jurisdiction of learned SDJM(M), Gossaigaon, Assam, without prior written permission from him/her;

(b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(c) shall not commit such offence as alleged in the FIR in

future.

9. Violation or breach of any condition(s) shall render cancellation of bail.

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

JUDGE

Comparing Assistant