

GAHC010207322024



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

Case No. : Bail Appln./3023/2024

MUSTAFA AHMED @ MOSTAFA AHMED @ RINKU
S/O LATE MOIZUDDIN AHMED
PERMANENT RESIDENT OF BOLADMARI
HEDAYATPUR, P.S. GOALPARA,
DIST. GOALPARA, ASSAM
TEMPORARY ADDRESS-
C/O NUR IMAN HOQUE
VILL- CHALANTAPARA PT.IV,
P.S. JOGIGHOPA
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY, MR. D BORA, MR. N MAHAJAN, MR. P K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 01.10.2024

Heard Mr. A. Chaudhury assisted by Mr. N. Mahajan, learned counsel appearing for the petitioner and Mr. D. Das, learned Additional Public Prosecutor for the state of

Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for grant of regular bail to the petitioner, Mustafa Ahmed @ Mostafa Ahmed @ Rinku, who was arrested on 08.09.2024 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 BNSS, 2023.

3. In the office of the District Transport Office at Bongaigaon, the registration of a vehicle coming from Lakshadweep was transferred. The District Transport Officer, Dipak Patowary had lodged an FIR before police alleging that his Computer Assistant, Babulal Narzary had done that act without going through the documents.

4. It may be mentioned that police arrested Babulal Narzary and Dipak Patowary. The officer, Dipak Patowary was allowed to go on bail by this Court.

5. The present accused was arrested on the ground that he is a member of a group of persons, who has the unholy nexus with the officer of District Transport Office at Bongaigaon and they transferred vehicles on the basis of some doubtful documents.

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

7. In this case, police did not follow the guidelines of the Hon'ble Supreme Court that was rendered in **Prabir Purkayastha vs. State (NCT of Delhi)** reported in **2024 SCC Online SC 934**.

8. The petitioner has already spent 23 days in judicial custody.

9. This Court is of the opinion that the petitioner no longer deserve to be detained in custody. Therefore, his bail application is allowed.

10. Accordingly, upon the premised reasons, the petitioner, Mustafa Ahmed @ Mostafa Ahmed @ Rinku is allowed to on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon, Assam.

11. The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant