

GAHC010207582024



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

**Case No. : Bail Appln./3036/2024**

SIMANTA LAHKAR  
S/O LATE PHANI DHAR LAHKAR, R/O BAPUJI NAGAR NO. 2,  
MATHGHORIA, GUWAHATI, P.S.-NOONMATI, P.O.-NOONMATI, PIN-781020,  
DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. K N CHOUDHURY, MR. D SUTRADHAR, MS. K DEY, MR. N  
N B CHOUDHURY

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**  
**O R D E R**

**04.10.2024**

Heard Ms. K. Dey, learned counsel for the petitioner and Mr. P. Goswami, learned Additional Public Prosecutor, Assam appearing for the State.

**2.** By this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, namely, **Sri Simanta Lahkar**, son of Late Phani Dhar Lahkar is seeking bail in connection with ACB P.S. Case No.68/2024, registered under Section 7(a) of the Prevention of Corruption Act, 1988 in which he was arrested on 02.09.2024 and in custody since then.

**3.** The petitioner while serving as an Executive Engineer (Dharmapur, Barkhetri, Nalbari Division) in the office of the Superintending Engineer, Irrigation Department, Nalbari Division, district-Nalbari, was got caught red-handed on 02.09.2024 at his rented house while accepting bribe money of Rs.1,00,000/-, as bribe money demanded by him from the informant in a trap operation launched by the trap team of the Directorate of Vigilance and Anti Corruption, Assam.

**4.** The informant of the case in its F.I.R dated 02.09.2024 before the Superintendent of Police, Directorate of Vigilance and Anti Corruption, Assam indicated that he is a registered Government Contractor working under the Public Works Department (Building and Roads) and the Irrigation Department of Assam. He along with fellow Contractor Shri Khairul Islam met the petitioner on 16.07.2024 to enquire about two works to be implemented under the "Solar Power Shallow Tube Well" Scheme under Dharmapur LAC for the year 2024-2025 and made request to the petitioner to allot the aforesaid works in their favour. On 30.08.2024 to know about the status of the said works the fellow Contractor Shri Khairul Islam contacted the petitioner over phone, who then asked them to come to his rented house. When they visited the rented house of the petitioner and enquired about the status of the said work, the petitioner

demanded Rs.1,20,000/- as bribe to process the said two works to the next level stating that if they do not pay the said amount, then there shall be lesser chance of getting the works by them. On 01.09.2024, the informant and his friend again went to the rented house of the petitioner and requested him to reduce the bribe demand money to Rs.1,00,000/-, which was accepted by the petitioner. Unwilling to pay any bribe, the complainant recorded the conversation between them and the petitioner regarding the demand of bribe in an electronic device on 30.08.2024. On 02.09.2024, the informant lodged the F.I.R before the A.C.B Police Station of the Directorate of Vigilance and Anti Corruption, Assam against the petitioner for taking legal action providing the audio recordings having the conversation regarding demand of bribe. Said F.I.R was registered as G.D. Entry No.546 dated 02.09.2024 in the General Diary of ACB Police Station. The contents of the F.I.R and audio clips of bribe demand by the petitioner have been verified. Accordingly, on 02.09.2024 itself, a trap team was constituted and the petitioner was caught red handed while he was taking demanded bribe money of Rs.1,00,000/- in the trap operation in his rented house.

**5.** Perused the Case Diary placed by Mr. Goswami, learned Additional Public Prosecutor; the F.I.R dated 02.09.2024; verification report of the Inspector of Police; Director of Vigilance and Anti-corruption, Assam as well as the forwarding report dated 03.09.2024. From the Forwarding Report dated 03.09.2024 of the Inspector of Police, Directorate of V&AC with regard to the petitioner submitted before the learned Special Judge, Assam. It is seen from the Forwarding Report dated 03.09.2024 that the Inspector of Police, Directorate of V&AC, Assam, sought for police remand

of the petitioner for four days only and thereafter, since the petitioner is in judicial custody, the authorities concerned in the Directorate of V&AC, Assam did not ask for his further police remand.

**6.** Considering the above and that the petitioner is in custody since 02.09.2024, the Court is of the view that further custodial detention of the petitioner in said ACB P.S. Case No.68/2024, is not warranted.

**7.** Accordingly, the petitioner, namely **Sri Simanta Lahkar**, son of Late Phani Dhar Lahkar be released on bail in said **ACB P.S. Case No.68/2024**, registered under Section 7(a) of the Prevention of Corruption Act, 1988, on furnishing a bail bond of Rs. 2,00,000/- (rupees two lacs) with 02 (two) local sureties of the like amount, both of them shall be Government Employees either Central and/or State Government, having more than five years of service tenure, to the satisfaction of the learned Special Judge, Assam, Guwahati on conditions that-

**(i)** The petitioner shall appear before the Investigating Officer of said ACB P.S. Case No.68/2024 every Monday during office hours after his release on bail for the next two months commencing from 14.10.2024 and also as and when he is required for investigation of the said ACB P.S Case;

**(ii)** The petitioner shall not leave the jurisdiction of Guwahati City without the leave of the learned Special Judge, Assam, Guwahati;

**(iii)** The petitioner shall surrender his Passport, etc., if any, before the learned Special Judge, Assam at Guwahati

**(iv)** The petitioner shall not hamper with the investigation, or tamper with the evidence of the case;

**(v)** The petitioner shall not indulge in any offence or any criminal activities in future; and

**(vi)** The petitioner 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, failing which, the bail granted to him in the aforesaid ACB P.S. Case No.68/2024 shall stand automatically vacated.

- 8.** The bail application stands allowed to the extent, as indicated above.
- 9.** Return the Case Diary.

**JUDGE**

**Comparing Assistant**