

GAHC010207722024



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

Case No. : Bail Appln./3063/2024

MD. HEDAITUL ISLAM @ HEDAITUL ISLAM AND ANR
S/O SOLMAN ALI, VILL- MOHGHULI, P.S.-NORTH LAKHIMPUR, DIST-
LAKHIMPUR, ASSAM

2: MD ABUL BASAR @ ABDUL BASAR
S/O AMJAD ALI
VILL- MOHGHULI
P.S.-NORTH LAKHIMPUR
DIST-LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. S G BARUAH, MR. B BORGOHAIN, MR B SAIKIA, MR. S
NEOG

Advocate for the Respondent : PP, ASSAM,

Linked Case : Bail Appln./2759/2024

ISRAIL ALI
S/O ATAR ALI
VILL- 1 NO. AHMEDPUR
P.S.-BIHPURIA
PIN-787054

DIST- LAKHIMPUR
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MS. S G BARUAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

04.11.2024

Heard Ms. S.G. Baruah, the learned counsel appearing for the petitioner. Also heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam.

2. Both the bail applications are filed under Section 483 of the BNSS, 2023 in respect of Bihpuria P.S. Case No.112/2024 corresponding to G.R. Case No.517/2024 under Sections 61(2)(a)/318(4)/316(2)/178/179 of BNS, 2023.

3. The petitioner Israil Ali, Md. Hedaitul Islam @ Hedaitul Islam and Md. Abul Basar @ Abul Basar were arrested for possessing fake Indian currency notes.

4. From Israil Ali, ₹1,90,000/- fake currency notes were recovered. From the possession of Md. Hedaitul Islam @ Hedaitul Islam, ₹1,13,000/- and from Md. Abul Basar @ Abul Basar, ₹49,000/- Indian currency notes were recovered. The currency notes which were recovered from these two persons are not alleged to be fake.

5. It is alleged that in order to sale fake gold, these two persons had accepted the aforesaid money.

6. Ms. Baruah submits that Israil Ali had already spent 78 days in judicial custody. Ms. Baruah prays that his period of detention should be taken as a ground for releasing him on bail. The other two persons, namely- Md. Hedaitul Islam @ Hedaitul Islam and Md. Abul Basar @ Abul Basar have spent 82 days in judicial custody.

7. Ms. Baruah made similar prayer for those two persons also.

8. I have also heard the learned counsel of both sides in the light of the materials available before this Court.

9. This Court is of the opinion that the offence allegedly committed by Mr. Israil Ali is a serious one. Therefore, he does not deserve to be released on bail. Accordingly, his prayer for regular bail is rejected.

10. So far as the bail prayers of Md. Hedaitul Islam @ Hedaitul Islam and Md. Abul Basar @ Abul Basar are concerned, this Court is of the opinion that they do not deserve to be detained in custody for a further period of time. Accordingly, their bail applications are allowed.

11. The petitioners Md. Hedaitul Islam @ Hedaitul Islam and Md. Abul Basar @ Abul Basar are allowed to be released on bail of ₹20,000/- each with sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur.

Both the bail applications are disposed of accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant