

GAHC010210382024



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

Case No. : Bail Appln./3058/2024

MD. ABDUS SALAM @ ABDUS SALAM MIAH
S/O LT. HANIF ALI, R/O VILL- MATRAGHOLA, P.O.-KIRTANPARA, P.S.-
ABHAYAPURI, DIST- BONGAIGAON, ASSAM, PIN-783384

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MITRA, MR S.MITRA,MR. R. RAMEEZ,MR A K BORO
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

13.11.2024

Heard Mr. S. Mitra, learned counsel appearing for the accused petitioner as well as Mr. M. P. Goswami learned Addl. P.P., Assam.

By filing this petition under Section 483 BNSS, the accused-petitioner, namely, **Md. Abdus Salam @ Abdus Salam Miah**, has prayed for grant of bail in connection with **Abhayapuri P.S. Case No.138/2024** under Sections **120(B)/307 IPC read with Section 4(b)(i) of the Explosive Substance Act.**

It is submitted by the learned counsel for the petitioner that the case is registered under the Explosive Substance Act as such as per schedule of the said Act, the case be investigated by the NI Agency. It is further submitted that the alleged bomb and other explosive materials were seized from the possession of co-accused but not from the petitioner. It is submitted that petitioner has been languishing in judicial custody for last 68 days since his arrest on 06.09.2024. Considering the length of detention, prayer for bail may be considered.

On the other hand, Mr. Goswami, learned Additional Public Prosecutor has produced the case diary and submitted that though the bomb and other explosive items were recovered from the possession of the co-accused but the petitioner is the main accused who planted such bomb and other explosive items in the house of the co-accused. It is further submitted that investigation is still going on and he opposed in granting bail to the petitioner.

I have considered the submission of learned counsel for the parties as well as perused the case diary.

Perusal of case diary reveals sufficient incriminating material against the present petitioner. Investigation is still in progress and release of the accused at this stage may hamper further investigation of the case.

Considering the matter in its entirety, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail application stands rejected.

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

Return the case diary.

JUDGE

Comparing Assistant