

GAHC010212452024



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

Case No. : Bail Appln./3077/2024

BANAMALI HAZARIKA
S/O LATE PRATAP HAZARIKA,
RESIDNET OF BORBARI, VIP ROAD, SIX MILE, PS DISPUR, DIST KAMRUP
M ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. U CHOUDHURY, MR. B M CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15.10.2024

Heard Mr. B.M. Choudhury, learned Senior counsel assisted by Mr. U. Choudhury, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Banamali Hazarika**, has prayed for bail in connection with Pulibor P.S. Case No. 92/2024 under Section 120B/420/406/409 of IPC added Section 21/23/24 of Banning of Unregulated Deposits Scheme Act, 2019.

3. The learned Senior counsel for the petitioner submits that the petitioner has been detained in judicial custody for last 42 days since his arrest on 04.09.2024. It is also submitted all relevant documents were seized by the investigating officer in connection with this case, as such, further custodial interrogation of the petitioner may not be required. It is further submitted that the petitioner will co-operate with the investigation if he may be released on bail in any condition(s).

4. On the other hand, Mr. Sarma, learned Additional Public Prosecutor has produced the case diary and raised objection against the prayer of the petitioner by stating that the petitioner is very much involved in the alleged offence and there is sufficient incriminating materials found in the case diary against the petitioner. It is also submitted that the petitioner is a habitual offender and six numbers of cases are pending against him vide BIEO P.S. Case No. 30/2022, Panbazari P.S. Case No. 394/2019, Dispur P.S. Case No. 2196/2022, Dispur P.S. Case No. 2881/2021, Dispur P.S. Case No. 1890/2021 and Dispur P.S. Case No. 1787/2021. Investigation is still in progress. Considering the nature of the offence, bail not be considered to the petitioner at this stage of investigation.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

6. Considering the materials available in the case diary as well as the nature

of the offence, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, prayer for bail is rejected.

7. The bail application stands disposed of.

8. Return the case diary.

JUDGE

Comparing Assistant