

GAHC010213252024



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

Case No. : Bail Appln./3127/2024

DIGANTA CHETIA AND ANR.
S/O LT. BUDHESWAR CHETIA
R/O HAHCHARA, CHETIA GAON,
P.S. SIVASAGAR, DIST. SIVASAGAR, ASSAM

2: LUCHAN GOGOI
S/O LALIT GOGOI
R/O LAKWA MOHAN
DEODHAI GAON

P.S. LAKWA
DIST. SIVASAGAR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR P K DAS, MR. M ALOM, MR. M BARUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

23-10-2024

Heard Mr. P K Das, learned counsel for the petitioners and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita,

2023, the petitioners, namely, **(i) Diganta Chetia**, son of late Budheswar Chetia, resident of Hahchara, Chetia Gaon, P.S. & District-Sivasagar and **(ii) Luchan Gogoi**, son of Lalit Gogoi, resident of Lakwa Mohan Deodhai Gaon, P.S.-Lakwa, District-Sivasagar have prayed for their bail in Sivasagar Police Station Case No. 115/2024 registered under Section 310(2) of the BNS read with Section 25(1-B)(a) of the Arms Act corresponding to G.R. No. 202/2024, in which they were arrested on 06.09.2024 and are in custody since then.

3. As per the FIR of the case dated 06.09.2024 lodged by the informant before the Sivasagar Police Station, he purchased scrap materials from one Mr. Mahesh Das on 03.09.2024 and sent it to Bongaigaon on 05.09.2024 through a trailer truck bearing Registration No. UK-08-CB-9453. However, when the said trailer truck was on its way to Bongaigaon at Sivasagar he received a call from the driver of the said trailer truck that the said vehicle has been intercepted by GST officials and thereafter the telephone connection was snapped. Though he tried to contact the driver of the trailer truck, but he failed to contact him finding his mobile switched off. Finding such act to be suspicious, he informed the police control room and the Officer-in-Charge of Sivasagar Police Station, stating that the said trailer truck with scrapped materials might have been hijacked by some unscrupulous persons and requested those authorities to recover the said trailer truck as well as the driver and helper of the said carriage.

4. On such information, the police acted on it and intercepted the said trailer truck and recovered the driver of the said trailer truck from an Alto car bearing Registration No. AS-04-AF-9100. Police from the said Alto car also recovered one 7.65 MM pistol along with 5 rounds of ammunitions and apprehended four persons who have committed the dacoity of those scrapped materials purchased by the informant.

5. On 06.09.2024 those four accused persons including the petitioners were arrested and produced before the learned Chief Judicial Magistrate, Sivasagar.

6. Perused the Case Diary placed before the Court by Mr. B Sarma, learned Additional Public Prosecutor, Assam.

7. Case Diary reveals sufficient incriminating materials with regard to the involvement of the petitioners in the alleged crime.

- 8.** The statements of the helper of the said trailer truck and the driver of the said trailer truck recovered from the Alto car indicate the involvement of the petitioners in the alleged crime.
- 9.** It is also seen that there are also some other accused persons involved in the said crime, who are evading arrest and are yet to be apprehended. Further, investigation of the case is at the nascent stage.
- 10.** Considering the above, this Court is of the view that detention of the petitioners in said Sivasagar P.S. Case No. 115/2024 since 06.09.2024 cannot be considered for their bail at this stage.
- 11.** Accordingly, this bail application of the petitioners, named above, stands rejected.
- 12.** Return the Case Diary.

JUDGE

Comparing Assistant