

GAHC010217382024



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

Case No. : AB/2750/2024

MD. ARIF ALI
S/O LATE BABUL ALI, R/O AMGAON, TARIBAGAN, BONDA GAON,
GUWAHATI-781026, P.S.-SATGAON, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R K PRADHAN, MR. A K SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

04/11/2024

Heard Mr. A K Saikia, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Md. Arif Ali**, son of Late Babul Ali, resident of Village-Amgaon, Taribagan, Bonda Gaon, P.S. Satgaon, District-Kamrup (Metro), has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail

apprehending his arrest in **Noonmati P.S. Case No. 204/2024** registered under Sections 305(c) of the Bharatiya Nyaya Sanhita, 2023 read with Section 7 of the Essential Commodities Act, 1955.

3. The Court by order dated 08.10.2024, while called for the relevant case diary, granted interim pre-arrest bail to the petitioner in said Noonmati P.S. Case No. 204/2024.

4. Mr. Sarma, learned Additional Public Prosecutor, Assam placed the relevant case diary before the Court which goes to show that the petitioner, after obtaining interim pre-arrest bail, appeared before the concerned Investigating Officer of Noonmati Police Station and his statement was recorded on 14.10.2024.

5. As per the FIR dated 27.09.2024, the case is that on 26.09.2024 around 9:30 PM on receipt of information from reliable source that some unknown persons are stealing oil from the oil tankers parked at IOCL Marketing Yard, Sector-III and trying to load it in a vehicle for taking it to the smuggled market for sale, said information was accordingly shared with the Officer-in-Charge of Noonmati Police Station. Thereafter, a police team from Noonmati Police Station conducted a search operation at the informed location, where one Tata 710 truck bearing registration No. AS-01-PC-5539 loaded with 40 nos. of plastic drums, each drum containing about 60 ltrs. of suspected petroleum product and 25 nos. of plastic drums, each drum containing about 60 ltrs. of suspected diesel were found in the parking yard at Sector-III, kept there to be loaded in the said truck. On seeing the police party approaching the truck, the perpetrators succeeded to run away. Later, said Tata 710 truck along with the suspected stolen products were seized, observing all the formalities in presence of the witnesses. It was suspected that the accused persons might have stolen the said petroleum product from the oil tankers parked in the parking area of IOCL Marketing yard at Sector-III.

6. Case diary reveals that owner of the said seized truck is one Dipjyoti Bora, who sold it to the petitioner on 07.08.2023 with the conditions that he will be depositing the monthly installments of the said truck.

7. Case diary also reveals that a driver took the said vehicle of the petitioner informing him that he will carry certain drums from Guwahati to Beharbari at Rs.2,500/- which he allowed to the concerned driver, who is absconding in the case.

8. Considering such materials in the case diary, the Court is of the view that custodial detention of the petitioner, namely, Md. Arif Ali is not warranted to investigate the said Noonmati P.S. Case No. 204/2024. As such, this pre-arrest bail application of the petitioner is accepted.

9. The petitioner, namely, **Md. Arif Ali** is already on interim bail in said **Noonmati P.S. Case No. 204/2024** granted to him earlier by this Court on 08.10.2024 and the same is hereby made absolute, subject to the full compliance of the terms and conditions as specified in the said order dated 08.10.2024 and further, on compliance of the following conditions that the petitioner – **(i)** shall not leave the territorial jurisdiction of said Noonmati Police Station, without obtaining prior written permission from the concerned I/O of said Noonmati P.S. Case No. 204/2024 and **(ii)** shall not involve himself in any kind of criminal activities directly or indirectly.

10. Any violation of any of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 08.10.2024, noted above, the pre-arrest bail granted to the petitioner in said **Noonmati P.S. Case No. 204/2024** shall stand automatically vacated.

11. Accordingly, this pre-arrest bail application stands allowed to the extent above.

12. Return the case diary.

JUDGE

Comparing Assistant