

GAHC010218802024



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

Case No. : Bail Appln./3201/2024

SHAFIQUL ALAM @ MD SOFIQUL ALOM
S/O SAHAR ALI
R/O VILL- BHANGNAMARI
P.S. MUKALMUA
DIST. NALBARI, ASSAM
PIN-781126

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : J U AHMED, MR. R K MUSHAHARY, MR S A REEYAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.10.2024

1. Heard Mr. J. U. Ahmed, learned counsel for the petitioner Shafiqul Alam @ Md. Sofiqul Alom.

2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 14.09.2024 in connection with Gohpur P.S. Case No. 121/2024 registered under Sections 61(2)/318(4)/3(5) of the BNS.
3. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.
4. It is submitted on behalf of the petitioner that the petitioner is behind bars for 38 days and further custodial detention may not be required for the progress of investigation.
5. The FIR unfolds that as per GD Entry No. 265 dated 16.08.2024, and on the same day at around 9 p.m., the O/C along with the informant and other police personnel of Howajan Outpost during a routine Naka checking found 6 boat shaped suspected fake gold weighing approximately 8 kg 100 gms in a public bus bearing registration No. AS-15 C 9679 which was proceeding from Lakhimpur towards Guwahati. The fake gold was seized from the possession of Md. Rasidul Alom and Md. Mabinur Rahman. It is submitted on behalf of the petitioner that the petitioner was not in possession of the fake gold. It is further submitted that the petitioner is not involved in this case and investigation may have presumably progressed to a considerable extent as this case was registered on 16.08.2024.
6. Learned Additional Public Prosecutor has raised objection stating that the petitioner's prayer for bail cannot be considered without perusal of the Case Diary.
7. I have considered the submission that the prime accused had already been granted bail by this Court. I have considered the prayer for bail on the ground of

parity.

8. I have considered the length of detention of the petitioner. It appears that custodial detention may not be required for the progress of investigation. The petitioner is a local resident and he is not a flight risk. The petitioner has pledged to co-operate with the remaining part of investigation.

9. Considering all aspects, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned SDJM(M), Gohpur, under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged, and
- (ii) The petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation.

On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant