

GAHC010218902024



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

Case No. : Bail Appln./3204/2024

SRI AKALABYA DAS
S/O SRI DANGOR LORA DAS
VILL- DIPORA DANIGAON
P.S. HALEM
DIST. BISWANATH
STATE- ASSAM
PIN- 784170

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MR. A K DAS, MS. K L R YANTHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 21.10.2024

Heard Mr. S.C.Biswas, learned counsel for the petitioner as well as Mr. K.K.Parashar, learned Addl. P.P., Assam for the State respondent.

By filing this petition under Section of the 483 Bharatiya Nagarik Surakshya Sanhita, 2023 the accused-petitioner, namely, **Akalabya Das** has prayed for grant of bail in connection with **Halem P.S. Case No.73/2024** under Sections 303(2)/317(2)/318(4) of the BNS r/w Section 53 (1) (a) of Assam Excise Act.

The allegation in the FIR in brief is that based on a secret information, the informant along with his staff recovered 456 nos. of Star Whiskey bottles of 180 ml each and 2 Nos. of Red Star beer of 500 ml. each near Balijan Benbil Banua gaon.

The learned counsel for the petitioner submits that as per order of the Magistrate, only 9 Nos. of Star Whiskey bottles and one Red Star beer was recovered from the possession of the petitioner. The petitioner has been languishing in judicial custody since his arrest on 06.10.2024. As the bottles were already recovered, nothing remains to be investigated and as such, the petitioner may be enlarged on bail.

The learned Addl.P.P. has produced the case diary and submits that as per the seizure list, 456 nos. of Star Whiskey bottles were recovered from the possession of the petitioner and he was running such business regularly and as such, if bail be granted to the petitioner, with some stringent conditions.

I have perused the case diary.

On perusal of the case diary, it reveals that though large quantity of Arunachalee liquor were recovered from the possession of the petitioner, however, as it appears that nothing remains to be investigated in connection with the instant case, this court is inclined to grant bail to the petitioner.

Accordingly, it is provided that the petitioner named above shall be released on furnishing bail bond of **Rs. 40,000/-** with a suitable surety of like amount

to the satisfaction of the learned **SDJM, Gohpur**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **SDJM, Gohpur** without prior written permission from him/her;
- (ii) That the petitioner shall cooperate with the Investigating Officer as and when required;
- (iii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Police Officer or the Court;
- (iv) That the petitioner shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail or as and when called upon by the Investigating Police officer till the investigation of the case is completed; and
- (v) That the petitioner shall refrain from committing any kind of similar offence in future.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

Return the case diary.

JUDGE

Comparing Assistant