

GAHC010220202024



2024:GAU-AS:11606

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

Case No. : Bail Appln./3234/2024

SAYEB ALI
S/O ABDUL AZIZ
R/O VILL- NIZ BAGHMARI
P.S. GINGIA
DIST. BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : A B T HAQUE,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

25.11.2024

Heard Mr. A B T Haque, learned counsel for the petitioner and Ms S H Bora, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Sri Sayeb Ali**, son of Abdul Aziz, resident of village Niz Baghmari, P.S.-Gingia, District-Biswanath, has prayed for his bail in **Gingia Police Station Case No. 79/2024** registered under Sections 120(B)/420/466/474 of the IPC, corresponding to GR No.438/2024, in which he was arrested on 06.10.2024 and is in custody since then.

3) As per the FIR dated 06.10.2024 filed before the Officer-in-Charge of Gingia police station, allegation against the petitioner is that the petitioner is an aged person serving in customer service point, Punjab National Bank at Gingia under Biswanath district.

4) On 02.08.2022, the petitioner issued an Aadhaar card in the name of Md. Rashid Ali, care of Md. Abdul Kedar, resident of village Brahmaputra Chapori, Police Station-Gingia, District-Biswanath.

5) In the said Aadhaar card, the petitioner affixed a photograph of another person, namely, Nur Mahmood, aged about 12 years, son of Sattar Ali, resident of village Brahmaputra Chapori, Police Station- Gingia, District-Biswanath.

6) From the said Aadhaar card, it was found that neither the name of Md. Rashid Ali had any connection with showing of his address to that of Abdul Kader as well as to that of the person whose photograph was affixed in the said Aadhaar card.

7) It was alleged that the petitioner is involved in such kind of illegal activities of issuing fake Aadhaar cards in the name of others and using it for all sorts of illegal purposes.

8) Case diary placed before the Court today by Ms. Bora, learned Additional Public Prosecutor, Assam reveals that the Enrolment No. issued in the said Aadhaar card in the name of Md. Rashid Ali, care of Abdul Kedar, that the first 4 (four) numbers of the Aadhaar

card relates to the District Code, the second 5 (five) numbers in the said Aadhaar card belongs to the petitioner and the last 5 (five) numbers was the customer code and he mixed all such numbers while issuing the fake Aadhaar card in the name of one Md. Rashid Ali, who is non-existent at Brahmaputra Chapori.

9) Case diary also reveals that there is no such person by the name of Rashid Ali, care of or son of Md. Abdul Kedar, resident of village Brahmaputra Chapori, Police Station- Gingia, District-Biswanath and that the photograph which was annexed in the said Aadhar Card was of Nur Mahmood, who is only 12 years old, son of Sattar Ali, resident of village Brahmaputra Chapori, Police Station- Gingia, District-Biswanath.

10) Case diary further reveals that while issuing an Aadhaar card, fingerprints along with thumb impression of the person concerned is required. In the case in hand, the case diary indicates that the petitioner manipulated the fingerprints and thumb impression in the name of Md. Rashid Ali.

11) The note of the Investigating Officer indicates that the petitioner is involved in issuing such fake Aadhaar cards and that the investigation of the case is not yet complete.

12) Finding such incriminating materials in the case diary regarding the involvement of the petitioner in the alleged crime of issuing fake Aadhaar cards to unidentified persons and also finding that the investigation is still in process, the Court is of the view that the custodial detention of the petitioner, namely, **Sri Sayeb Ali**, since 06.10.2024, cannot be considered for his bail in said Gingia P.S. Case No. 79/2024.

13) Accordingly, this bail application of the petitioner, **Sri Sayeb Ali**, in said Gingia P.S. Case No. 79/2024 stands rejected.

14) Return the case diary herewith.

JUDGE

Comparing Assistant