

GAHC010220512024



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

Case No. : Bail Appln./3242/2024

HASIBUL ISLAM
S/O NUR ISLAM
RESIDENT OF VILLAGE MOUGHULI BORGOLA, PS NORTH LAKHIMPUR,
DIST LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM,
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR J. E. SARKAR, MR. M ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

24.10.2024

1. Heard Mr. M. Ali, learned counsel for the petitioner Md. Hasibul Islam.
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 17.08.2024 in connection with Gohpur Police Station Case No. 121/2024 under

Sections 61(2)/318(4)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner's role has to be ascertained. There is a racket around the Lakhimpur area as well as throughout the entire State of Assam and beyond the boundaries of Assam.

4. I have considered the submissions at the bar with circumspection.

5. The allegation against the petitioner is that he has been apprehended in connection with this case where 6 fake gold boats were recovered from a public bus. It is submitted that the petitioner is not involved in this case nor his name is mentioned in the FIR.

6. I have considered the submission of the petitioner that the petitioner has been behind bars for 40 (Forty) days. The petitioner is willing to cooperate with the remaining part of investigation and to abide by any stringent bail conditions if imposed upon him. It appears that further custodial detention may not be required for the progress of investigation.

7. Considering all aspects, petition is allowed. The petitioner is 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 Sub-Divisional Judicial Magistrate (M), Gohpur under the conditions that : -

(i) The petitioner shall refrain from such activities with which he is alleged.

(ii) The petitioner shall appear before the Investigating Officer on every fortnight till

completion of investigation and shall not jump the bail.

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

In terms of the above observation, this Bail Application stands disposed of.

JUDGE

Comparing Assistant