

GAHC010224372024



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

Case No. : Bail Appln./3278/2024

ASHIK RAHMAN AND ANR
S/O MAINUL HAQUE,
R/O VILL- KHABLARVITA
P.S. KAYAKUCHI,
DIST. BARPETA, ASSAM
PIN-781352

2: ATOWAR ALI
S/O TALEB ALI
R/O VILL- PAKA BETBARI PUM

P.S. KAYAKUCHI

DIST. BARPETA
ASSAM
PIN-78135

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR A BASUMATARY, MR N AHMED

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

07.11.2024

Heard Mr. N J Dutta, learned counsel for the petitioners and Mr. R J Baruah, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the BNSS, 2023 by the petitioners, namely, (1) Ashik Rahman and (2) Atowar Ali, praying for release on bail, who were arrested in connection with Dispur P.S. Case No. 1137/2024.

Police had the information that the alleged scrap dealers were doing business within the jurisdiction of Dispur Police Station by receiving and selling the stolen properties like AC copper, wire, sanitary items, various types of electrical wires and some brass metal utensils etc.

Therefore, Police had searched the premises of Rumi Scrap Materials Shop at Sorumotoria, which is owned by one Kitab Ali. From there, Police seized 15 kg. (approx.) metallic wire suspected to be copper, 5 nos. of stainless steel sanitary items, 1 no. brass utensil and 1 coil of electric wire.

The present petitioner Ashik Rahman, who is a truck driver by profession used to deliver scrap materials to that dealer in his truck.

The other petitioner Atowar Ali is the employee in the said scrap dealer.

Mr. Baruah has submitted that many people are habitually involved in dealing with the stolen properties.

I have considered the submissions made by the learned counsel of both sides. It may be mentioned herein that no one has yet filed any FIR alleging commission of theft of those properties from their premises.

The petitioner has already undergone 18 days in judicial custody. Therefore, at this stage, this court is of the opinion that the petitioners do not deserve to be detained in custody for further period of time. Therefore, the bail application is allowed.

Accordingly, it is directed that the petitioners, namely, (1) Ashik Rahman and (2) Atowar Ali, who were arrested in connection with Dispur P.S. Case No. 1137/2024, shall be released on bail of Rs.25,000/- each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati.

The bail application is disposed of.

JUDGE

Comparing Assistant