

GAHC010224702024



2024:GAU-AS:11722

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

**Case No. : AB/2846/2024**

ABU WAHID @ HIRA  
S/O JALLAL UDDIN, R/O VILL- BHAKATGAON, P.S.-NAGAON, DIST-  
NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR A HUSSAIN, MR ROBIUL HOQUE

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**27/11/2024**

Heard Mr. A Hussain, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Abu Wahid @ Hira**, son of Jallal Uddin, resident of Village-Bhakatgaon, P.S. Nagaon, District-Nagaon, has filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail apprehending his arrest in **Nagaon P.S.**

**Case No. 699/2024** registered under Section 25(1-A) of Arms Act, 1959.

3. As per the FIR dated 15.07.2024, the case is that on receipt of specific information regarding dealing of illegal arms and ammunitions at Goroimari daily market, police personnel from Nagaon Police Station after making necessary entry along with police personnel of Haiborgaon Outpost left for the Goroimari daily Market. On reaching the said Goroimari daily market around 9:00 PM, police personnel apprehended three persons, namely, (i) Abu Shahid @ Mukut, (ii) Abubakkar Siddique and (iii) Md. Sadik Ali with the help of the local people. However, another person, namely, Hira, who was the prime dealer of the transaction of selling of illegal arms managed to escape from the place of occurrence taking advantage of the people gathered there. In spite of search, said Hira could not be apprehended. During the physical search of the apprehended three FIR named accused persons, one country made pistol and 4 nos. of 7.5 mm live ammunition were recovered from the possession of the accused person, namely, Abu Shahid that were seized in presence of the independent witnesses.

4. It is submitted by the petitioner that he is no way connected with the case and one of the arrested accused falsely implicated him as he has enmity with him.

5. It is also submitted by the petitioner that he will co-operate with the investigation of the case if his bail application is considered.

6. Perused the case diary placed before the Court today by Mr. Sarma, learned Additional Public Prosecutor, Assam that was called for by order dated 30.10.2024.

7. From the case diary, it is seen that the present petitioner, Abu Wahid, who is also known as Hira and the brother of the arrested accused, Abu Shahid @ Mukut from whose possession the illegal pistol was recovered with 4 nos. of 7.5 mm live ammunition, along with other arrested accused persons and others, are involved in the business of drugs as well as in the illegal trade of arms and ammunitions.

8. Case diary also reveals that the petitioner is evading police from his arrest.

9. Finding sufficient incriminating materials in the case diary against the petitioner with regard to his involvement in the alleged crime and considering the statements of the independent witnesses so far recorded by the concerned Investigating Officer of the case, the Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, namely, **Abu Wahid @ Hira** in said **Nagaon P.S. Case No. 699/2024**.

**10.** Accordingly, this pre-arrest bail application of the petitioner, named above, in said Nagaon P.S. Case No. 699/2024 stands rejected.

**11.** Return the case diary.

**JUDGE**

**Comparing Assistant**