

GAHC010226652024



2024:GAU-AS:11702

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

Case No. : Bail Appln./3321/2024

MD HUSSAIN ALI
S/O LATE ALI AKBAR, R/O VILL- KOCHUWA, P.O.-KOCHUWA, P.S.-
KOCHUWA (KAMPUR), DIST- NAGAON, ASSAM, PIN-782426

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN, MR. A Z AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26.11.2024

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

2) By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Md. Hussain Ali**, son of Late Ali Akbar, resident of village-Kochuwa, Police Station-Kochuwa (Kampur), District-Nagaon, is praying for his bail in **Khetri Police Station Case No. 165/2024**,

corresponding to G.R. No. 5957/2024, registered under Sections 303(2)/317(2) of the BNS, 2023 read with Sections 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021, wherein, he was arrested on 09.10.2024 and is in custody since then.

3) As per the FIR dated 09.10.2024 of the case in hand, the allegation against the petitioner is that during the night patrolling on the intervening night of 08.10.2024 and 09.10.2024, on receipt of a specific information from source that stolen cows were being illegally taken to Meghalaya through Milanpur and Umsing, a Naka checking was set up at Milanpur.

4) In the early morning on 09.10.2024 at around 3 A.M. during Naka checking, few persons were found with 14 (fourteen) nos. of cattle taking them through Milanpur. But on seeing Police, all the persons fled away leaving the cattle behind. However, during process the petitioner herein was apprehended and taken into custody and those 14 nos. of cattle were seized.

5) During interrogation, it came to the light that those cattle were being taken towards Bangladesh through Meghalaya.

6) The petitioner failed to produce any documents pertaining to the cattle seized in the case and as such, it was presumed that those were stolen cattle.

7) Accordingly, Khetri P.S. Case No. 165/2024, corresponding to G.R. No. 5957/2024, under Sections 303(2)/317(2) of the BNS, 2023 read with Sections 13(1)/16 of the Assam Cattle Preservation (Amendment) Act, 2021 was registered.

8) The up-to-date case diary has been placed before the Court today by Mr. Sarma, learned Additional Public Prosecutor, Assam

9) Case diary reveals that till date, nobody has come forward claiming the cattle seized in the case, which itself indicates that the cattle have been stolen from different parts and were being taken to Bangladesh via Meghalaya.

10) Considering the materials in the case diary and the period of detention of the petitioner, namely, **Md. Hussain Ali**, in custody since 09.10.2024, the Court is of the view that further custodial detention is not warranted for investigation of said Khetri P.S. Case No. 165/2024.

11) Accordingly, the petitioner, namely, **Md. Hussain Ali**, is granted bail in said Khetri P.S. Case No. 165/2024 on furnishing a bail bond of Rs. 40,000/- with 2(two) local sureties, each of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati subject to the conditions that the petitioner, named above —

- i)** shall appear before the concerned Investigating Officer of said Khetri P.S. Case No. 165/2024, as and when he is required for necessary investigation of the case;
- ii)** shall not leave the territorial jurisdiction of Khetri Police Station without obtaining prior written permission from the Investigating Officer of Khetri P.S. Case No. 165/2024;
- iii)** shall not hamper with the investigation, or tamper with the evidence of the case;
- iv)** 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 them from disclosing such facts to the Court or to any police officer and;
- v)** shall not involve himself in any criminal activities in the future.

12) Any violation of the aforesaid terms and conditions by the petitioner, namely, **Md. Hussain Ali**, the bail granted to him in said Khetri P.S. Case No. 165/2024 shall stand automatically vacated.

13) This bail application accordingly stands allowed.

JUDGE

Comparing Assistant