

GAHC010227252024



2024:GAU-AS:12120

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

**Case No. : Bail Appln./3339/2024**

ARIFUDDIN SHEIKH  
S/O ABDUL KASHIM,  
RESIDENT OF VILLAGE BAGUAN PART II, PO CHECHAPANI, PS MATIA,  
DIST GOALPARA, ASSAM, 783134

VERSUS

THE STATE OF ASSAM  
REP BY PP ASSAM

**Advocate for the Petitioner** : MR. M ALOM, MS. F H AHMED, MRS. S Y AHMED, MR. M K HUSSAIN

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

**BEFORE**

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

**02/12/2024**

Heard Mr. M Alom, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State respondent.

**2.** This application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely, **Arifuddin Sheikh**, son of Abdul Kashim, resident of Village-Baguan Part-II, P.S. Matia, District-

Goalpara, seeking bail in **Changsari P.S. Case No. 261/2024** registered under Sections 318(4)/316 (3) BNS, 2023, corresponding to G.R. No. 1163(K)/2024, wherein he was arrested on 02.10.2024 and is in custody since then.

3. As per the FIR lodged by the complainant on 21.09.2024 before the Officer-in-Charge of Goripur Police Outpost, the case is that the complainant on 11.09.2024 loaded certain goods through a borker, namely, Mr. Abhijit Baruah and vide truck No. AS-25-FC-4622 sent those goods to Imphal from Guwahati with 880 packages of miscellaneous goods and other goods amounting to Rs.27,86,185/- but the said truck did not reach Imphal. Later, on enquiry, it came to know that the said truck was seized by Matia Police Station about two months back wherein one Kalimuddin and the petitioner were found in the said truck, who were driving the said truck. During enquiry/investigation, police came to know that both the drivers used fake number plates and instead of carrying those goods to Imphal took it to Matia. Said FIR of the complainant was forwarded to Changsari Police Station as the Gouripur Police Outpost comes under the jurisdiction of Changsari Police Station. Accordingly, Changsari P.S. Case No. 261/2024 under Sections 318(4)/316(3) BNS, 2023 was registered.

4. On being enquired, Mr. Parashar, learned Additional Public Prosecutor, Assam submitted that charge-sheet in the said Changsari P.S. Case No. 261/2024 has not been filed till date.

5. Since 02.10.2024, the petitioner is in custody for more than 60 days as on today and has already completed the statutory/mandatory period of his detention in custody.

6. In view of the above, the petitioner is entitled for his default bail in said Changsari P.S. Case No. 261/2024.

7. Accordingly, the petitioner, namely, **Arifuddin Sheikh**, is granted default bail in said **Changsari P.S. Case No. 261/2024** registered under Sections 318(4)/316 (3) BNS, 2023, corresponding to G.R. No. 1163(K)/2024, on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties each of the like amount, one of which shall be a Government Employee, either Central or State Government, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup, Amingaon, on conditions that the petitioner — (i) shall appear before the Investigating Officer of said Changsari P.S. Case No. 261/2024 as and when he is required for necessary investigation of the case; (ii) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup, Amingaon, without obtaining prior written permission from the said authority; (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 with any criminal activities in future, failing which, the bail granted to him in the aforesaid Changsari P.S. Case No. 261/2024 shall stand automatically vacated.

**8.** This bail application accordingly stands disposed of with the above directions.

**JUDGE**

**Comparing Assistant**