

GAHC010227842024



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

Case No. : AB/2898/2024

MANZIL AHMED AND ANR
S/O JAYNAL ABDIN, R/O VILLAGE GARUMARA DOLONI, P.O. BURABURI,
PS. MAYONG, DISTRICT MORIGAON, ASSAM

2: ASADUL ISLAM

S/O HARJAT ALI
R/O KARSUABORI JHARGAON
P.O. JHARGAON
PS. MAYONG
DISTRICT MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD. ABU LAISE, M. HOSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

06.12.2024

Heard Mr. M Hossain, learned counsel for the petitioners and Mr. M P Goswami,
learned Additional Public Prosecutor, Assam for the State.

2) Apprehending their arrest, the petitioners, namely, **(i) Manzil Ahmed**, son of Jaynal Abdin, resident of village Garumara Doloni, Police Station-Mayong, District-Morigaon; and **(ii) Asadul Islam**, son of Harjat Ali, resident of Karsuabori Jhargaon, Police Station-Mayong, District-Morigaon by filing this application under Section 482 BNSS, 2023 have prayed for their pre-arrest bail in **Sonapur Police Station Case No. 208/2024**, registered under Sections 303(2)/317(2) BNS, 2023 read with Section 11(1)(a)(b)(d) of the Prevention of Cruelty to Animals Act, 1960 read with Sections 13(1)/14 of the Assam Cattle Preservation Act, 2021, corresponding to G.R. No. 6245/2024.

3) As per the FIR dated 22.10.2024 lodged by an Assistant Sub Inspector of Police before the Officer-in-Charge of Sonapur Police Station, the case is that on the receipt of a specific information police emergency staff that while they were conducting their duty in the morning of 22.10.2024 at around 6:00 A.M., two Nos. of trucks loaded with cattle were found near the railway line at Chamata under Sonapur Police Station. On receipt of the said information, police personnel from Sonapur Police Station visited the site where the said two trucks bearing registration Nos. AS-01-RC-6724 and AS-18-AC-5376, loaded with 27 Nos. cattle in each of the trucks, in total 54 Nos. of cattle were found in an abandoned condition near Chamata Railway Bridge service lane to Tetelia Station. But the drivers and the helpers of the said two trucks were not present inside those two trucks.

4) Accordingly, the cattle along with the said two trucks were seized by the police personnel by following the procedure.

5) During enquiry, police came to know that cattle were being illegally and atrociously carried inside the said trucks by its driver and handyman in a cruel and ruthless manner.

6) Police suspected that the drivers and the handyman of the two trucks were carrying the stolen cattle from some place to sell it at Meghalaya, for their illegal gain.

7) Accordingly, the said FIR dated 22.10.2024 was registered as Sonapur P.S. Case No. 208/2024, under Sections 303(2)/317(2) BNS, 2023 read with Section 11(1)(a)(b)(d) of the Prevention of Cruelty to Animals Act, 1960 read with Section 13(1)/14 of the Assam Cattle Preservation Act, 2021 corresponding to G.R. No. 6245/2024.

8) The petitioners herein, namely, **(i) Manzil Ahmed** and **(ii) Asadul Islam**, being the

owners of the said two Nos. of seized trucks bearing registration Nos. AS-01-RC-6724 and AS-18-AC-5376, respectively, apprehending their arrest in said Sonapur P.S. Case No. 208/2024, have preferred this pre-arrest bail application.

9) Earlier on 13.11.2024, the Court granted interim bail to the petitioners, named above, in said Sonapur P.S. Case No. 208/2024.

10) Mr. M P Goswami, learned Additional Public Prosecutor, Assam from the case diary stated that the petitioners have appeared before the concerned Investigation Officer of the case and their statements have accordingly been recorded. It is also stated by Mr. Goswami that the seized two of trucks in the case, bearing registration Nos. AS-01-RC-6724 and AS-18-AC-5376 belong to the petitioners and that the petitioners are cooperating with the investigation of said Sonapur P.S. Case No. 208/2024.

11) Considering the materials in the case diary and on hearing the parties, the interim bail granted to the petitioners herein, namely, **(i) Manzil Ahmed** and **(ii) Asadul Islam**, on 13.11.2024 in said Sonapur P.S. Case No. 208/2024 is hereby made absolute, subject to the compliance of the terms and conditions specified in the order dated 13.11.2024, passed earlier in the present proceeding.

12) With the above observations and directions, the prayer for pre arrest bail of the petitioners, named above, in said Sonapur P.S. Case No. 208/2024 stands allowed to the extent above.

13) Return the case diary herewith.

JUDGE

Comparing Assistant