

GAHC010229782024



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

Case No. : Bail Appln./3352/2024

MD SUKCHAND ALI AND ANR.
S/O SAHAB ALI
PERMANENT RESIDENT OF VILL- HABLAKHA, P.S. HAJO
DIST. KAMRUP, ASSAM

2: BABUL ALI
S/O MD. SUKCHAND ALI
PERMANENT RESIDENT OF VILL- HABLAKHA
P.S. HAJO
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S ISLAM, MR. R ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13.11.2024

Heard Mr. P.J. Saikia, learned Sr. Counsel assisted by Mr. S. Islam, learned counsel appearing for the petitioners as well as Mr. R.J. Baruah, learned Additional Public Prosecutor

appearing for the State of Assam.

2. This is an application u/s 483 of the BNSS, 2023, whereby the petitioners, namely, 1. Md. Sukchand Ali and his son, 2. Babul Ali have prayed for releasing them on bail, after they were arrested in connection with Azara P.S. Case No. 203/2024.

3. One truck loaded with goods bearing registration No. AS-28-AC-1469 was proceeding towards Agartala. The vehicle did not reach Agartala and therefore, an FIR was lodged before police alleging that four persons namely Arfan Ali, Samidul Islam, Mridul Ali and Jamal Uddin had hijacked the vehicle and stolen the goods loaded in the said truck. Police arrested Md. Jalim Uddin, Md. Jamal Ali, Md. Majid Ali and Md. Ajibul Hassan for the aforesaid offence. They have informed the police that the stolen goods were sold in the market with the help of Md. Shofikul Islam and Azmat Ali.

4. Mr. Saikia submits that the aforesaid Shofikul Islam is the other son of the petitioner, Md. Sukchand Ali. On the basis of the statement of Shofikul Islam, the house of Sukchand Ali was searched and police could not find the stolen property. Therefore, police have arrested Md. Sukchand Ali and his other son, Babul Ali in this case.

5. Mr. Baruah submits that this is an organized crime and many other people are involved in the offence and the stolen goods are yet to be recovered.

6. I have considered the submissions made by the learned counsels of both sides.

7. Shofikul Islam is the son of Sukchand Ali. That is why the house of Sukchand Ali was searched, but police could not find the stolen property there. Therefore, the arrest of Md. Sukchand Ali and Babul Ali is not good in the eye of law.

8. Under the aforesaid circumstances, the bail application of the petitioners is allowed.

9. The petitioners, namely, 1. Md. Sukchand Ali and his son, 2. Babul Ali, who were arrested in connection with Azara P.S. No. 203/2024 shall be released on bail of Rs. 25,000/- each with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Karmup (Metro), Guwahati, Assam.

10. The bail application stands disposed of accordingly.

The case diary shall be returned.

JUDGE

Comparing Assistant