

GAHC010230052024



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

Case No. : AB/2902/2024

ANOWAR HUSSAIN
S/O LATE NAYAN KHAN, R/O VILL- CHAKHOWAJHAR, P.O.-DHARMAPUR,
P.S.-ALOPATI, DIST- BARPETA, ASSAM, PIN-781308

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G CHAMUAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

08-11-2024

Heard Mr. G Chamuah, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. Petitioner, namely, **Anowar Hussain**, son of late Nayan Khan, resident of village-Chakhowajar, Police Station-Alopati, District-Barpeta, apprehending his arrest, has filed this application under Section 482 of the BNSS, 2023, seeking pre-arrest bail in Changsari Police Station Case No. 274/2024 under Sections 61(2)/303(2)/317(2)/336(3)/340(2)/318(4) of the

BNS, 2023 read with Section 7 of the Essential Commodities Act, corresponding to G.R. No. 1232 (K) of 2024.

3. As per the FIR dated 09.10.2024, lodged by Sub-Inspector of Special Task Force, Assam that it around 12.10 AM of 09.10.2024 received a specific information that a group was attempting to smuggle FRK(Fortified Rice Kernels) blended rice intended for PDS (Public Distribution System) distribution from Barpeta to Meghalaya and thereafter to other states like Mizoram and Tripura. On reaching Madanpur Toll Plaza around 02.05 AM it intercepted a suspected vehicle bearing Registration No. AS-19-AC-5078 that was suspected of carrying the FRK blended rice. During search, 600 bags of rice suspected to be FRK blended and intended for PDS distribution were recovered from the said truck. PDS rice is an essential commodity and the driver and helper of the truck could not produce valid documents for the consignment leading to the suspicion that the goods recovered were stolen property and it was suspected that a group of individuals including Anowar Hussain, owner of Hussain Trading Company, Kapla Chowk, Barpally, Barpeta; owner of Subhash Industries, Jagiroad; Abdul Rashid Ali, owner of vehicle No. AS-19-AC-5078 all are habitually involved in dealing with stolen goods and aiding in their consignment engaging in such activities in an organized manner. By the said FIR dated 09.10.2024, the complainant requested the Officer-in-Charge of Changsari Police Station to register a case and to unearth the whole nexus, handing over the driver of the vehicle No. AS-19-AC-5078, namely, Hafijur Rahman, son of Ebad Ali and the helper of the said vehicle, namely, Aminul Islam, son of Harmuj Ali to the authority of Changsari Police Station. Accordingly, said Changsari Police Station Case No. 274/2024 was registered under Section 61(2)/ 303(2)/317(2)/336(3)/340(2)/318(4) of the BNS, 2023 r/w Section 7 of the E C Act.

4. Petitioner stated that he being a businessman involved in the business of paddy and rice, purchased 600 bags of rice approx. 300 Qtl amounting to Rs. 12,00,000/- from M/s Suman Rice Mill on 6th and 7th October, 2024 with a view to sale the same at a high rate for making some profit in his business. While transporting the said vehicle to its destination, his rice was seized from the said vehicle and that the rice bags seized by police were purchased by him legally having purchasing vouchers and were being transported in a legal manner and there is no reason for his arrest being the proprietor of Hussain Trading Company.

5. Petitioner stated that he shall abide by any terms and conditions that may be imposed upon him for his release on pre-arrest bail in said Changsari Police Station Case No. 274/2024.
6. Perused the case diary placed before the Court today by Mr. K K Parashar, learned APP, Assam.
7. Case diary indicates that the driver and his associate relating to the vehicle No. AS-19-AC-5078 failed to place any valid document of carrying the rice with its brand, weight, place from where it was taken and the place in which the same was to be delivered along with the invoices, chalans etc.
8. Case diary also indicates the involvement of the petitioner as he handed over challan of paddy and transported rice instead of paddy through the said vehicle in those 600 bags that were being carried to its destination for its delivery but it was intercepted and seized by the police near Madanpur Toll Plaza under Changsari Police Station.
9. Finding sufficient incriminating materials in the case diary with regard to the involvement of the petitioner in the alleged crime of illegal transportation of suspected FRK blended rice intended for PDS distribution for its sale to different places including the States of Meghalaya, Mizoram, Tripura etc. in an organized manner, the Court is of the view that this is not a fit case to grant the benefit of pre-arrest bail to the petitioner, named above, in said Changsari Police Station Case No. 274/2024.
10. Accordingly, this pre-arrest bail application of the petitioner, **Anowar Hussain** for his pre-arrest bail in said Changsari P.S. Case No. 274/2024, stands rejected.

JUDGE

Comparing Assistant