

GAHC010231252024



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

Case No. : AB/2914/2024

SAHJAHAN ALI
S/O ABU SHAMA, R/O NO. 2 BALADMARI CHAR, P.S.-GOALPARA, DIST-
GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. S I TALUKDAR, MR. S RANA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

12/11/2024

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

2. The petitioner, namely, **Sahjahan Ali**, son of Abu Shama, resident of No. 2 Baladmari Char, P.S. Goalpara, District-Goalpara, has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail apprehending his arrest in **Goalpara P.S. Case No.**

139/2024 registered under Sections 303(2)/318(4)/336(3)/3(5) BNS read with Section 23 Petroleum Act corresponding to G.R. No. 997/2024.

3. Three of the arrested accused in the case, who were taken into custody on 19.10.2024 preferred a bail application being Bail Appln. No. 3276/2024 and the Court, on perusal of the case diary, by order dated 07.11.2024 released them on bail, wherein the Court observed that one of the co-accused involved in the illegal business of petroleum products as has been clarified by the co-accused is yet to be apprehended in the case, who is evading arrest.

4. Perused the case diary placed before the Court today by Mr. Parashar, learned Additional Public Prosecutor, Assam.

5. On perusal of the case diary, it is found that it is the petitioner, who has been implicated by the arrested accused persons of the case involved in the illegal trade of petroleum products.

6. Case diary reveals that since long, the petitioner is in the illegal trade of stolen petroleum products.

7. Considering such incriminating materials in the case diary against the petitioner with regard to his involvement in the alleged crime, this Court is of the view that it is not a fit case to grant pre-arrest bail to the petitioner, namely, **Sahjahan Ali** in said **Goalpara P.S. Case No. 139/2024**.

8. Accordingly, this pre-arrest bail application of the petitioner, named above, in said Goalpara P.S. Case No. 139/2024 stands rejected.

9. Return the case diary.

JUDGE

Comparing Assistant