

GAHC010236562024



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

Case No. : Bail Appln./3431/2024

FORIJ UDDIN AND 2 ORS.
S/O AJIJUR RAHMAN
R/O VILL- DAKHIN SAMAR ALI NO. 08 UNDER MURAJHAR POLICE
STATION IN THE DISTRICT OF HOJAI, ASSAM

2: LUKMAN HUSSAN
S/O ABDUL KHALEK
R/O VILL-MERJONG PATHAR
UNDER MURAJHAR POLICE STATION
IN THE DISTRICT OF HOJAI
ASSAM

3: SRI RAHUL KONWAR
S/O SRI MUKESH KONWAR
R/O VILL- KACHOMARI
GAON UNDER BAKALIA POLICE STATION
IN THE DISTRICT OF KARBI ANGLONG
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR D TALUKDAR, MR P CHOUDHURY, MS B GOSWAMI, MS P SAIKIA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 25.11.2024

1. Heard Mr. D. Talukdar, learned counsel for the petitioners (1) **Forij Uddin**, (2) Lukman Hussan and (3) Rahul Konwar, who have filed this bail application under Section 483 of BNSS, 2023, with prayer for granting bail as they are behind bars since 12.10.2024 for last 45 days in connection with Bakalia P.S. Case No. 32/2024 under Sections 61(2)/ 179/ 180 of BNS, 2023.
2. Case diary is received and perused.
3. Also heard Mr. R.R. Koushik, learned Addl. Public Prosecutor for the State respondent, who has raised objection against the prayer of bail stating that the petitioners are running a racket of circulating counterfeit currency.
4. The allegation against the petitioners is that they were in possession of counterfeit currency.
5. It is submitted on behalf of the petitioners that the petitioners have been detained in custody for last 45 days and the custodial detention may not be required for the purpose of investigation and moreover, it is submitted that no offence under Section 179 of the BNS is attracted in this case.
6. I have scrutinized the case diary.
7. I have considered the submissions at the bar with circumspection.
8. I have also considered the length of detention and the progress of investigation.

9. The investigation has substantially progressed. Further custodial detention may not be required for the purpose investigation. I have considered the submission that the petitioners will abide by any stringent bail condition, if imposed on them and they will co-operate with the investigation.

10. Considering entire aspect of the matter, petition is allowed.

11. In view of the above and considering the length of detention, the petitioners named above shall be enlarged on bail on furnishing a bond of Rs. 50,000/- each with a suitable surety of like amount to the satisfaction of the learned Aleka Magistrate in connection with the aforesaid case under the following conditions that:-

- (1) the petitioners shall refrain from such activities with which they are alleged,
- (2) the petitioners shall not jump the bail and shall appear before the I.O. in every fortnight,
- (3) the petitioner shall not leave the jurisdiction of the Court without prior permission from the Court.

12. On breach of any of the bail conditions, the jurisdictional court shall be at liberty to immediately cancel the bail granted to the petitioners.

13. Bail application stands disposed.

14. Return the case diary.

JUDGE

Comparing Assistant