

GAHC010237342024



2024:GAU-AS:11823

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

Case No. : Bail Appln./3466/2024

RAJIB DEKA
S/O LOHIT CHANDRA DEKA
R/O BARJALAH, TANGLA, UDALGURI.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. D SARMA, MS N BARUAH, MR P DAS, A DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28/11/2024

Heard Mr. P Das, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner, namely, **Rajib Deka**, son of Lohit Chandra Deka, resident of Barjalah, Tangla, Udalguri, seeking bail in **Tangla P.S. Case No. 59/2024** registered under Section 5 of the Explosive Substances Act, 1908 read with Section 18 of the Unlawful Activities (Prevention) Act, 1967, wherein he was arrested on 14.09.2024 and is in custody since then.

3. As per the FIR of the case dated 14.09.2024, on the basis of specific information, police recovered one live grenade from the possession of the petitioner. Accordingly, he was taken into custody.
4. Mr. Das, learned counsel for the petitioner submitted that considering his detention since 14.09.2024 and that since after his judicial remand, police has not taken him for interrogation, the petitioner should be considered for bail.
5. Perused the case diary placed before the Court today by Mr. Sarma, learned Additional Public Prosecutor, Assam.
6. Case diary reveals involvement of the petitioner in trying to disrupt the peace and tranquility of the society putting the public in fear by blasting of hand grenade that was recovered from him.
7. Further, the case diary also indicates involvement of the petitioner with the members of Banned Organization and helping them in carrying out unlawful activities in the name of concerned unlawful & banned Organization. The investigation is still in progress.
8. 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 the period of his detention in custody since 14.09.2024 cannot be considered to grant bail to the petitioner, namely, **Rajib Deka** in said **Tangla P.S. Case No. 59/2024**.
9. Accordingly, this bail application of the petitioner, named above, in said **Tangla P.S. Case No. 59/2024** stands rejected.
10. Return the case diary.

JUDGE

Comparing Assistant