

GAHC010247782023



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

Case No. : AB/3706/2023

BABAN DAS
S/O LATE KUSHESWAR DAS, R/O NAKARI BORIGAON (DULIAGAON),
MOUZA-HAZARI, DIST-JORHAT, ASSAM, PIN-785001

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K ROYCHOUDHURY, MR G DEKA, MR. N G KUNDU

Advocate for the Respondent : PP, ASSAM, MR. P N GOSWAMI, SC, Excise Department

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 01.08.2024

Heard Mr. PK Roychoudhury, learned counsel for the petitioner. Also heard Mr. R.R.Gogoi, learned Standing Counsel, Excise Department.

By filing this petition under Section 438 Cr.P.C., the petitioner, namely, **Baban Das** has prayed for granting pre-arrest bail, apprehending arrest in

connection with **Jorhat Sadar Excise Case No. 249/2023** under Section 53(i) (a) of the Assam Excise Act.

The offence Report, as called for, is placed before the Court.

It may be mentioned that by order, dated 31.10.2023, this Court granted the privilege of interim pre-arrest bail to the petitioner.

Mr. Gogoi submits that the petitioner appeared before the investigating officer and got his statements recorded under Section 161 Cr.P.C. as per the interim pre arrest bail granted earlier. There is no adverse report against the petitioner from the I.O.

Therefore, the interim pre-arrest bail granted vide order, dated 31.10.2023 is hereby made absolute, subject to the following conditions-

- (i) That the petitioner shall co-operate in investigation as and when required;
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) That the petitioner shall not hamper or tamper with the investigation in any manner.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant