GAHC010250002024

2024:GAU-AS:12545

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

Case No. : Bail Appln./3602/2024

MRINMAY DUTTA
S/O BINAY DUTTA
R/O VILL- SONAPUR

P.S. MUSHALPUR
DIST. BAKSA
ASSAM
PIN-781373

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR W R MEDHI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

11/12/2024

Heard Mr. W R Medhi, 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 BNSS, 2023 has been filed by the petitioner, namely, **Sri Mrinmay Dutta,** son of Binay Dutta, resident of Village-Sonapur, P.S. Mushalpur, District-Baksa, seeking bail in **Bijni P.S. Case No. 146/2024** registered under Sections 303(2)/317(2)/111(4) BNS read with Section 7 of the Essential Commodities Act, 1955 corresponding to G.R. No. 225/2024, wherein he was arrested on 01.11.2024 and is in custody since then.

3. As per the FIR of the case dated 01.11.2024 lodged before the Officer-in-Charge of Bijni Police Station, during Naka checking on 31.10.2024 at about 11:50 PM, one Tata Hexa vehicle bearing registration No. AS-28E-7284 was intercepted from which 600 liters of petrol in 15 nos. of containers were recovered which they illegally procured and on being asked, they failed to show any documents with regard to it. Accordingly, the petitioner along with two others, namely, Champak Dutta and Dhrubajyoti Baishya who were with the petitioner in the intercepted vehicle were apprehended and arrested in said Bijni P.S. Case. Hence, this bail application.

4. Case diary reveals that the petitioner used to procure petrol at a cheaper rate from the neighbouring country, Bhutan and used to sale it in and around as well as in nearby areas of Bijni.

5. As the vehicle and the petrol found in said Tata Hexa vehicle have already been seized and considering the period of detention of the petitioner in custody since 01.11.2024, this Court is of the view that his further custodial detention is not warranted to investigate the said Bijni P.S. Case No. 146/2024. As such, this bail application of the petitioner in said Bijni P.S. Case is accepted.

6. Accordingly, the petitioner, namely, **Sri Mrinmay Dutta**, be released on bail in said **Bijni P.S. Case No. 146/2024** registered under Sections 303(2)/317(2)/111(4) BNS read with Section 7 of the Essential Commodities Act, 1955 corresponding to G.R. No. 225/2024, on furnishing a bail bond of Rs.35,000/- with 2 (two) local sureties each of the like amount, to the satisfaction of the learned Sub-Divisional Judicial Magistrate (M), Bijni, Chirang, on conditions that the petitioner – (**i**) shall appear before the Investigating Officer of said Bijni P.S. Case No. 146/2024 as and when he is

required for necessary investigation of the case; (**ii**) shall not leave the territorial jurisdiction of Bijni Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; (**iv**) 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 them from disclosing such facts to the Court or to any police officer and **(v)** shall not involve himself in any criminal activities, failing which, the bail granted to him in said Bijni P.S. Case No. 146/2024 shall stand automatically vacated.

7. This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant