

GAHC010250812024



2024:GAU-AS:12115

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

**Case No. : Bail Appln./3612/2024**

PANKAJ DAS  
S/O LATE BENUDHAR DAS  
R/O BIJULIBARI, P.O. MAROI, P.S. SIPAJHAR  
DIS. DARRANG, ASSAM  
PIN- 784145.

VERSUS

THE STATE OF ASSAM  
TO BE REP. BY TE PP, ASSAM

**Advocate for the Petitioner** : MS. R BEGOM, MR S RAHMAN, Ms. R. R. BORAH, MR. A A R KARIM

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**02/12/2024**

Heard Mr. A A R Karim, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

**2.** Petitioner, namely, **Sri Pankaj Das**, son of Late Benudhar Das, resident of Village-Bijulibari, P.O. Maroi, Police Station-Sipajhar, District-Darrang has filed this application under

Section 483 BNSS, 2023, praying for his bail in **Basistha Police Station Case No. 800/2024** under Sections 303(2) BNS, 2023 read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021 corresponding to G.R. No. 6624/2024, in which he was arrested on 18.11.2024 and is in custody since then.

**3.** As per the FIR dated 08.11.2024, the case is that on the night of 07.11.2024 while doing night patrolling duty in the Jorabat Outpost area on receipt of specific information from source that one vehicle loaded with live cattle was coming from Barpeta through Guwahati side and the said cattle loaded vehicle was escorted safely by some cattle smuggler with a Swift Desire vehicle. The same was entered as Jorabat Outpost G.D. Entry No. 122 dated 07.11.2024. Around 02:30 am on the intervening night of 07.11.2024 and 08.11.2024, the said Swift Desire vehicle followed by the cattle loaded vehicle were found coming from Guwahati side towards Meghalaya and both the vehicles were intercepted near Jorabat Outpost. While the Bolero Pickup vehicle bearing registration No. AS-01-QC-6402 was searched, it was found with 13 nos. of live cattle tied on their legs and on being enquired, driver of the said Bolero vehicle and its helper, namely Ibrahim Ali and Ashraful Ali, respectively could not place any valid documents relating to those live cattle and also the requisite documents of carrying cattle that were carried atrociously in that vehicle. On enquiry, the driver of the said Bolero vehicle and its helper informed police that they were carrying those live cattle from Barpeta to Byrnihat, Meghalaya and that their said Bolero Pickup vehicle with the cattle was escorted by the Swift Desire vehicle bearing registration No. AS-01-BG-9260 that was observing the movements of police, naka checking etc. on the road and was guiding them for their movement to Byrnihat, where they were to hand over those cattle to some persons known to the persons of the said escort vehicle.

**4.** During the search and inspection of the said Bolero vehicle, police personnel found that there was hardly any space in the said vehicle to carry 13 nos. of live cattle which were tied in their legs.

**5.** After their search in the said Bolero Pickup vehicle, the complainant and his team from Jorabat Outpost enquired the two persons of the said Swift Desire vehicle bearing registration No. AS-01-BG-9260 and found Rabbel Alamin and Saddam Hussain, who were found to be cattle smuggler for a long time. On being enquired, both Rabbel Alamin and Saddam Hussain admitted that two receiver of those live cattle coming to Jorabat from Byrnihat with a Ford vehicle bearing

registration No. ML-1-OC-0062 to receive those cattle from the Bolero Pickup vehicle bearing registration No. AS-01-QC-6402. After sometime the said Ford vehicle reached Jorabat from Byrnihat and the police patrolling staff intercepted the Ford vehicle and apprehended the two suspected stolen cattle receiver namely, Sunny Marak and Jyotish Kro. Thereafter, the complainant along with the police team brought the two petitioners, the two occupants of said Swift Desire vehicle and the two occupants of said Ford vehicle, named above, along with those three vehicles and the 13 nos. of live cattle to the Jorabat Outpost and then to the Basistha Police Station as Jorabat Outpost is under the jurisdiction of Basistha Police Station.

**6.** Accordingly, the complainant, Sub-Inspector of Police Jorabat Outpost on 08.11.2024 filed the FIR of the case which was accordingly registered as Basistha P.S. Case No. 800/2024.

**7.** The driver and helper of said Bolero Pickup vehicle, the two occupants of the Swift Desire vehicle and the two occupants of the Ford vehicle, named above, were arrested on 08.11.2024 and produced them before the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati on 09.11.2024.

**8.** According to the petitioner, he is no way connected with any kind of theft of cattle or transportation of stolen cattle to various places inside and outside of the State and that he has been falsely implicated in the case.

**9.** It is also submitted by the petitioner that he shall comply with any such terms and conditions that may be imposed upon him by the Court on releasing him on bail in said Basistha P.S. Case.

**10.** Mr. Sarma, learned Additional Public Prosecutor, Assam by placing the case diary submitted that the petitioner herein is a habitual offender and he is in the trade of smuggling of cattle from various places transporting it to Meghalaya and then to Bangladesh secretly in illegal manner. Mr. Sarma from the case diary also indicated that the petitioner is the gang leader of the organized crime of theft of cattle, transportation and smuggling of cattle to various places outside the State of Assam and also to Bangladesh. By such illegal trade, Mr. Sarma, submitted that the petitioner has earned enormous amount of money.

**11.** From the case diary, Mr. Sarma, placed the relevant information so far collected by the concerned Investigating Officer during the short period of investigation.

**12.** Perused the case diary placed before the Court by Mr. Sarma, learned Additional Public Prosecutor, Assam and found that in an organized manner large number of persons are involved in smuggling and transporting cattle to Meghalaya and then to Bangladesh in special designed truck and other vehicles by firmly sticking hooks on the body in such a way that cattle can be transported without even notice by others treating those cattle in cruel manner. The case diary indicates not only how the specially designed vehicles and trucks loaded with stolen cattle are carried to different places of the State, to Meghalaya and then to Bangladesh but also how such cattle laden vehicles are escorted by different car who first finds out whether there was any police patrolling or a naka checking in the road then it indicates the vehicle carrying cattle to move forward and handing over such cattle to other people involved in such crime from the State of Meghalaya who thereafter such stolen and smuggled cattle to Bangladesh.

**13.** It is seen from the case diary that from Khanapara area how they proceeds through small roads under the jurisdiction of Meghalaya and those vehicle managed themselves to reach Meghalaya near Byrnihat evading Assam police.

**14.** The petitioner and few others involved in such organized crime of theft transportation and smuggling of cattle. Case diary indicates the movement of the petitioner at various places of Assam and from Sipajhar to Mylien, Barnihat, Pops Pathakhumah, Marbisu, Hatunling, etc. of Meghalaya and that he is the mastermind of the said illegal business, who secures the movements of the vehicle carrying stolen cattle and their transportation and smuggling from Assam to Meghalaya and in that process earned huge amount of money in illegal manner. The case diary also indicates that even on earlier occasion the petitioner was arrested in similar cases. CDR analysis indicates that the petitioner uses mobile sim cards of his mother and his other family members. It is also seen that along with the petitioner, four others, namely, Mokshidur Rahman, Zakirul Ali, Nur Alam and Mohibul Ali who used to help the petitioner in his such crime were also arrested on 18.11.2024 in said Basistha P.S. Case and many involved in the said organized crime are yet to be apprehended.

**15.** Considering sufficient incriminating materials against the petitioner and his involvement in the organized crime of smuggling and illegal trade of cattle as well as their illegal transportation within the State and outside the State, the Court is of the view that his detention since 18.11.2024 cannot be considered for bail of the petitioner, named above, in said Basistha P.S. Case as the investigation is still going on and further, some more accused persons in the case are

yet to be apprehended.

**16.** Considering the above, this bail application of the petitioner, **Sri Pankaj Das**, son of Late Benudhar Das in **Basistha Police Station Case No. 800/2024** corresponding to G.R. No. 6624/2024, stands rejected.

**17.** Return the case diary herewith.

**JUDGE**

**Comparing Assistant**