

GAHC010251672023



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

Case No. : AB/3797/2023

JIA UDDIN @ JIYAB UDDIN
S/O LATE BADRUL HOQUE
R/O VILL- BGHAN
P.S. BAZARICHERRA
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 09.01.2024

Heard Mr. R. Islam, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Bazaricherra P.S. Case No. 173/2023, under Sections 120(B)/418/420/379/411 of the IPC, this application

under Section 438 Cr.P.C. has been preferred by the applicant, namely, Jia Uddin @ Jiyab Uddin for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by S.I. Longsing Kro on 25.08.2023. The essence of allegation made in the FIR dated 25.08.2023, is that acting on a tip off, he had conducted search in the house premises of one Bolu Darjee @ Fajlur Rahman and recovered 179 gunny bags containing suspected Burmese supari stored in a room weighing 8920 kg and during interrogation, Fazlur Rahman @ Bolu Darjee disclosed that one Jiyab Uddin of his village is also involved in the offence and Bolu Dorjee could not produce any valid documents in respect of the foresaid Burmese supari.

4. Mr. Islam, learned counsel for the applicant submits that the applicant had been granted the privilege of pre-arrest bail, vide order dated 28.11.2023 and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and a contention is being made to make the interim order dated 28.11.2023 absolute in the same terms and conditions.

5. The learned counsel for the applicant further submits that the suparis recovered and seized by the police in this case are not Burmese supari in view of the receipt issued by Tasnia Enterprise, where it is indicated that the suparis were all local dry betel nut.

6. On the other hand, Mr. Sarma, the learned Addl. Public Prosecutor submits that he has not received the case diary and as per his instruction, the I.O. has laid charge-sheet being charge-sheet No. 173/2023 dated 30.11.2023 under Sections 120(B)/418/420/379/411 of the IPC.

7. In view of the above, this Court is inclined to dispose of this petition by

directing the applicant to appear before the learned Court below on or before 29.01.2024 and to apply for regular bail and in the event of such an application, the learned Court below shall consider the same in accordance with law.

8. Till then, interim order dated 28.11.2023 shall stand extended.

JUDGE

Comparing Assistant