

GAHC010255092023



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

Case No. : AB/3816/2023

DELUWAR HUSSAIN
S/O LATE ABDUL GAFUR,
VILL.- PITHADIPAM, P.O.- NALIGAON, P.S.- SARTHEBARI, DIST.- BARPETA,
ASSAM.

VERSUS

THE STATE OF ASSAM

REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08-02-2024

Heard Mr. R. Ali, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

Apprehending arrest in connection with Barpeta P.S. Case No. 383/2023, under Sections 379/411/34 of the IPC, this application under Section 438 of the Code

of Criminal Procedure, 1973, is preferred by applicant namely, Deluwar Hussain, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an F.I.R., lodged by one S.I. Sumit Talukdar, on 9.8.2023.

The essence of allegation made in the FIR dtd. 9.8.2023 is that acting on a tip off the informant alongwith police staff intercepted one Truck bearing registration No. AS 15 AC 5618 at Kayakuchi Pathar being parked in front of the house of Jahidul Islam and on checking the same, they found 16 nos. of plastic packet containing 192 nos. of blanket and on being led and shown by the driver of the vehicle, they have also recovered 59 nos. of pink colour plastic bag containing total 708 nos. of blankets and thereafter, they have apprehended another Truck bearing registration No.AS 28 AC 1353 with 960 nos. of blankets and seized the same in presence of witnesses and the said blankets were illegally stored, in different places.

Mr. Ali, learned counsel for the applicant submits that the applicant was granted privilege of interim pre-arrest bail vide order dated 22.11.2023 and pursuant to said order, he had appeared before the I.O and cooperating with the investigating agency and therefore, Mr.Ali contended that the interim order dated 22.11.2023 may be made absolute, in the same terms and condition.

On the other hand, Mr. B. Sarma, learned Addl. P.P. submits that he has not received the case diary but, as per his instruction the I.O. has completed investigation and submitted charge sheet being charge sheet No. 570/2023 dated 30.10.2023, u/s 379/411/34 IPC, against six persons but the present applicant has not been sent up by the I.O. for trial.

Since the present applicant has not been sent up for trial by the I.O., this application become infructuous as there is not apprehension of arrest and

accordingly, the same stands closed.

JUDGE

Comparing Assistant