

GAHC010256952024



2024:GAU-AS:12920

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

**Case No. : Bail Appln./3709/2024**

GOBIN NARZARY AND ANR  
S/O LATE DEBIRAM NARZARY  
R/O VILL- BALAPARA  
P.S. BISWANATH CHARIALI  
DIST. BISWANATH, ASSAM

2: SRI PITON BASUMATARY  
S/O SRI HUSEN BASUMATARY  
R/O VILL- NAHARANI  
P.S. BISWANATH CHARIALI  
DIST. BISWANATH  
ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PP, ASSAM

**Advocate for the Petitioner** : MR N AHMED, S BASUMATARY, MR. B CHOWDHURY

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**18-12-2024**

Heard Mr. B Choudhury, learned counsel for the petitioners. Also heard Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

**2.** By this application under Section 483 BNSS, 2023, the petitioners, namely, (i) **Sri Gobin Narzary**, son of late Debiram Narzary, resident of village-Balapara, P.S.-Biswanath Chariali, District-Biswanath and (ii) **Sri Pitor Basumatary**, son of Sri Husen Basumatary, resident of village-Naharani, P.S.-Biswanath Chariali, District-Biswanath, are seeking bail in **Biswanath Chariali Police Station Case No. 206/2024** registered under Sections 303(2)/317(2) of BNS, 2023 read with Section 53(1)(a) of Assam Excise Amendment Act, 2018, corresponding to G.R. No. 497/2024, in which they were taken into custody on 22.11.2024.

**3.** As per the FIR dated 21.11.2024, the case is that on receipt of specific information that a silver colored Magic pickup passenger vehicle bearing Registration No. AS-12-BC-2279 was proceeding towards Balichang from Seijusa of Arunachal Pradesh, loaded with illegal liquor, the same was entered as Balichang Police Outpost GD Entry No. 312/2024 dated 20.11.2024 and during Naka Checking, the said Magic passenger vehicle with two persons, i.e., the present petitioners were apprehended. During search of the said vehicle in presence of independent witness – (i) Eight cartons of Kingfisher Beer consisting 192 Bottles of 500 ML each, 96000 ML in total; (ii) one cartoon consisting of 48 bottles of MC Dowels No. 1 Luxury, each containing 180 ML, in total 8640 ML; (iii) 12 bottles of Royal Mansion Gold, each containing 750 ML, in total 9000 ML; (iv) one carton consisting of 42 bottles of Royal Mansion, each containing 180 ML, in total 7560 ML were recovered from the possession of the petitioners. As such, those illegal liquor without any valid documents illegally transported from Arunachal Pradesh to Assam were seized along with the silver colored Magic passenger vehicle.

**4.** Accordingly, said FIR dated 21.11.2024 was registered as Biswanath Chariali Police Station Case No. 206/2024 under Sections 303(2)/317(2) of BNS, 2023 read with Section 53(1)(a) of Assam Excise Amendment Act, 2018, corresponding to G.R. No. 497/2024.

**5.** The petitioners were arrested and produced before the learned Chief Judicial Magistrate, Biswanath Chariali, Biswanath on 22.11.2024 and since then, they are in custody.

**6.** Mr. Choudhury, learned counsel for the petitioners submitted that the petitioners brought those liquor for consumption in a community feast. Since those liquor have already been arrested and the petitioners are in custody since 22.11.2024, they should be considered for

their bail in said Biswanath Chariali P.S. Case No. 206/2024.

**7.** Mr. K K Parashar, learned APP, Assam has submitted that the liquor have been seized from the possession of the petitioners as those were carried without any valid documents and the concerned vehicle bearing Registration No. AS-12-BC-2279 involved in the case has also been seized. Investigation of the case is complete and one of the persons available in the said magic passenger vehicle has already deposed in his 183 BNSS statement before the learned Magistrate about the petitioners. Only the FSL report is awaited.

**8.** Considering the materials in the case diary and the detention of the petitioners since 22.11.2024, this Court is of the opinion that their further custodial detention is not warranted to investigate the said Biswanath Chariali P.S. Case No. 206/2024. As such, this bail application of the petitioners is accepted.

**9.** Accordingly, the petitioners, namely, (i) **Sri Gobin Narzary** and (ii) **Sri Pitor Basumatary**, be released on bail in said Biswanath Chariali P.S. Case No. 206/2024 on furnishing bail bond of Rs. 75,000/- each, with two local sureties, each of the like amount, one of which shall be a Government Employee, either State or Central Government, to the satisfaction of the learned Chief Judicial Magistrate, Biswanath Chariali, Biswanath, subject to the conditions that petitioners, named above —

**i)** shall appear before the concerned Investigating Officer of said Biswanath Chariali P.S. Case No. 206/2024 on every Thursday for the next two English Calendar months commencing from 02.01.2025 or filing of the Charge-Sheet in the said case, whichever is earlier and further, as and when they are required in the said Biswanath Chariali P.S. Case;

**ii)** shall not leave the territorial jurisdiction of Biswanath Chariali 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 themselves in any criminal activities in future.

**10.** Any violation of the aforesaid terms and conditions by the petitioners, namely, i) **Sri Gobin Narzary** and (ii) **Sri Pitor Basumatary**, the bail granted to them in said Biswanath Chariali P.S. Case No. 206/2024 shall stand automatically vacated.

**11.** This bail application accordingly stands allowed.

**12.** Return the Case Diary herewith.

**JUDGE**

**Comparing Assistant**