

GAHC010257582024



2024:GAU-AS:12993

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

Case No. : Bail Appln./3711/2024

MD NUR MAHAMMAD AND ANR.
S/O LATE JOYNAL ABEDIN
R/O VILL- NO. 2 JORABARI
P.S. GINGIA
DIST. BISWANATH, ASSAM

2: MD NUR HUSSAIN
S/O MD. ABBASH ALI
R/O BALIPUKHURI
P.S. GINGIA
DIST. BISWANATH
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A ALI, MS. M KHATUN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

19/12/2024

Heard Mr. A Ali, learned counsel for the petitioners 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 petitioners, namely, **(1) Md. Nur Mahammad**, son of Late Joynal Abedin, resident of Village-No. 2 Jorabrari, P.S. Gingia, and **(2) Md. Nur Hussain**, son of Md. Abbash Ali, resident of Balipukhuri, P.S. Gingia, seeking bail in **Sootea P.S. Case No. 94/2024** registered under Sections 61(2)(a)/111(3)/329(3) of BNS, 2023 read with Section 25(1A) Arms Act, 1959 corresponding to G.R. No. 467/2024, wherein they were arrested on 31.10.2024 and are in custody since then.

3. Considering their detention since 31.10.2024 and as police have already seized the relevant items, the petitioners by this application have prayed for their bail in said Sootea P.S. Case No. 94/2024.

4. As per the FIR of the case dated 29.10.2024 lodged before the Officer-in-charge of Sootea Police Station that one accused, namely, Saiful Islam @ Ghutu along with his accomplices were trying to enter the Kaziranga National Park via river route from Biswanath side and hatching a criminal conspiracy to poach rhino and cut its horn and sell it at a higher price. Said Saiful Islam @ Ghutu developed links with a sharp shooter from Dimapur (Nagaland), whom they were planning to hire. During such process, the petitioners have been apprehended.

5. Mr. Sarma, learned Additional Public Prosecutor, Assam placed the forwarding report of the petitioners dated 31.10.2024.

6. Perused the case diary placed before the Court today by Mr. Sarma, learned Additional Public Prosecutor, Assam.

7. From the case diary, Mr. Sarma, learned Additional Public Prosecutor, Assam submitted that the petitioner No. 1 on several occasions had contacted with the concerned shooter of Dimapur on his mobile phone who agreed to come to Biswanath area for poaching the rhinos in the Kaziranga National Park. The petitioner No. 1 along with said Saiful Islam @ Ghutu, other accomplices and the

petitioner No. 2 conspired to poach rhinos in the Kaziranga National Park and for that purpose, they had contacted with the hired shooter from Dimapur. Along with one of the arrested person, accomplice of the petitioners, who conspired along with them to poach the rhinos at Kaziranga National Park, arms have been recovered.

8. Mr. Sarma, learned Additional Public Prosecutor, Assam submitted that the investigation of the case is still going on.

9. Considering such materials in the case diary against the petitioner with regard to his involvement in the alleged crime, this Court is of the view that it is not a fit case to grant bail to the petitioners, namely, **(1) Md. Nur Mahammad** and **(2) Md. Nur Hussain** in said **Sootea P.S. Case No. 94/2024**.

10. Accordingly, this bail application of the petitioners, named above, in said **Sootea P.S. Case No. 94/2024** stands rejected.

11. Return the case diary.

JUDGE

Comparing Assistant