

GAHC010260702024



2024:GAU-AS:12921

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

Case No. : Bail Appln./3781/2024

IKBAL ALI
S/O SAIFAN ALI
R/O BERAJOL,
P.S. GHOGRAPAR
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P, MD IMRAN, MD R ISLAM, MR. S RAHMAN, MS F HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18-12-2024

Heard Ms. F. Hussain, learned counsel for the petitioner and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2) By this application filed under Section 483 of the BNSS, 2023, the petitioner, namely, **Ikbali Ali**, son of Saifan Ali, resident of Berajol, Police

Station-Ghograpar, District-Nalbari is seeking bail in **Garchuk Police Station Case No. 379/2024** corresponding to G.R. No. 6982/2024 registered under Sections 318(4)/303(2)/317(2) BNS read with Section 7 of the Essential Commodities Act, 1955, wherein he was arrested on 26.11.2024 and in custody since then.

3) As per the FIR dated 26.11.2024, the case is that on 25.11.2024 around 07:30 pm a truck bearing Registration No.AS-26-C-9624 driven by the petitioner that was proceeding from Jalukbari towards Basistha loaded with 200 bags of rice, each bag containing approximately 50 kgs was intercepted around 08:20 pm. Though the petitioner being the driver of the said truck, on being asked produced a challan of M/s. Assam Trading, but it was found to be doubtful and the 200 bags of rice in the truck was suspected to be stolen Government subsidized PDS rice.

4) Ms. Hussain, learned counsel for the petitioner submitted that considering his detention since 26.11.2024, the petitioner should be released on bail.

5) Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam submitted that the case diary is yet to be received.

6) Considering the FIR dated 26.11.2024 that the rice recovered from the truck suspected to be PDS rice and that the challan produced by the petitioner before the police being doubtful, the Court is of the view that further custodial detention of the petitioner is not warranted for investigation of said **Garchuk P.S. No. 379/2024**. As such, this bail application of the petitioner is accepted.

7) Accordingly, the petitioner, namely, **Ikbali Ali**, son of Saifan Ali, shall be released on bail in said **Garchuk P.S. No. 379/2024** on furnishing a bail bond of Rs. 50,000/- each with two local sureties each of the like amount, to the

satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati on conditions that the petitioner **(i)** shall appear before the Investigating Officer of said **Garchuk P.S. No. 379/2024** on every Thursday during the office hours for the next 2 (two) English Calendar Months, commencing from 02.01.2025 or till the date of filing of the Charge-Sheet in said **Garchuk P.S. No. 379/2024**, whichever is earlier; **(ii)** shall not leave the territorial jurisdiction of the **Garchuk** 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 himself in any criminal activities in future.

8) Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in the aforementioned **Garchuk P.S. No. 379/2024** shall stand automatically vacated.

9) Bail application is accordingly stands allowed.

JUDGE

Comparing Assistant