

GAHC010264162024



2024:GAU-AS:13028

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

Case No. : AB/3275/2024

BIJAY KUMAR CHOUDHARY
S/O LT. RADHA KRISHNA CHOUDHARY
C/O BOKAKHAT KUBER ROLLER FLOUR MILL
P.O. BOKAKHAT, DIST. GOLAGHAT, ASSAM
PIN-785612
(M. NO. 9425154057.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. S B CHOUDHURY, MR. S K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

20.12.2024

Heard Ms. S B Choudhury, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 482 BNSS, 2023, the petitioner, namely, **Sri Bijay Kumar Choudhary**, son of Lt. Radha Krishna Choudhary, resident of Bokakhat Kuber Roller

Flour Mill, District-Golaghat has prayed for his pre-arrest bail in **Azara Police Station Case No. 241/2024** registered under Sections 316(3)/303(2)/61(2) BNS, 2023, corresponding to G.R. No. 6934/2024.

3. As per the FIR dated 22.11.2024, the case is that on 05.11.2024, the complainant sent two fully loaded trucks carrying wheat bags, bearing registration Nos. AS-02-DC-0139 and AS-31-C-1038, which were heading from Azara towards Imphal. But for some reasons, both the said trucks stayed back in a petrol pump at Nagaon. However, since then, for the last 3/4 days, the complainant failed to contact the drivers of the said two trucks, in spite of his best efforts and the whereabouts of them were not known to him. Hence, the said FIR was lodged by the complainant, reminding the authority to find about the whereabouts of those trucks, their owners and to recover the bags of wheat that were sent in those two trucks to Imphal.

4. From the case diary, Mr. K K Parashar, learned Additional Public Prosecutor, Assam, submitted that the petitioner is the co-owner of a flour mill at Golaghat and that the owner of both the trucks involved in the case is one Jiban Kishan Bhowmick.

5. Mr. K K Parashar, learned Additional Public Prosecutor, Assam also submitted that the drivers and the helpers of both the trucks involved in the case were arrested and they have implicated the owner of both the trucks, namely, Jiban Kishan Bhowmick, at whose instance, they have delivered 780 bags of wheat in the flour mill, owned by the petitioner at Golaghat and the remaining bags of wheat at certain places of Cachar.

6. The petitioner, on his appearance before the Investigating Officer of the said case also indicated that Jiban Kishan Bhowmick used to supply wheat to his flour mill regularly and on the date of the incident, when the 780 Nos. of bags were supplied to the flour mill, he was not available at Golaghat and asked the manager of the flour mill to verify the documents, to which, the manager replied that said Jiban Kishan Bhowmick informed him that he will provide the relevant documents shortly. As such, said Jiban Kishan Bhowmick was paid a certain amount for those wheat bags supplied by him and not the entire amount.

7. Considering such materials in the case diary and also considering the fact that the Investigating Officer of said Azara P.S. Case No. 241/2024 has already identified the accused of the case, the Court is of the view that custodial detention of the petitioner is not warranted for investigation of said Azara P.S. Case No. 241/2024. As such, this pre-arrest bail application of the

petitioner is accepted.

8. Accordingly, it is provided that in the event of arrest of the petitioner, namely, **Sri Bijay Kumar Choudhary**, son of Lt. Radha Krishna Choudhary, in said Azara P.S. Case No. 241/2024, he shall be released on bail, on furnishing bail bond of Rs 50,000/- with 2 (two) local sureties, each of the like amount, to the satisfaction of the arresting authority, subject to the conditions that the petitioner, named above, – **(i)** shall appear before the Investigating Officer of Azara P.S. Case No. 241/2024 **on or before 26.12.2024** during the office hours and thereafter, every Thursday, for the next three English calendar months commencing from 02.01.2025 and further, as and when he is required, for necessary investigation of said Azara P.S. Case No. 241/2024; **(ii)** shall not leave the territorial jurisdiction of the Azara 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 the future.

9. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Sri Bijay Kumar Choudhary**, son of Lt. Radha Krishna Choudhary, the pre-arrest bail granted to him in the aforementioned Azara P.S. Case No. 241/2024 shall stand automatically vacated.

10. Return the case diary herewith.

JUDGE

Comparing Assistant