

GAHC010265282023



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

Case No. : AB/4008/2023

BAPAN SAHA
S/O LATE JYOTISH CHANDRA SAHA
R/O VILL- BILASIPARA
WARD NO. 13,
P.O. AND P.S. BILASIPARA
DIST. DHUBRI, ASSAM
PIN-783348

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S SARMA
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

06-02-2024

Heard Mr. S. Sarma, learned counsel for the petitioner, namely, **Bapan Saha**, who has filed this application under Section 438 of Cr. P.C. seeking Anticipatory Bail apprehending arrest in connection with **Bilasipara Police Station Case No. 323/2023**, registered under **Sections 25 (1-A)** of the Arms Act, 1959 (Corresponding GR No. 570/2023).

Also heard Mr. M. P. Goswami, learned Addl. PP, Assam.

I have considered the submissions at the Bar and I have also perused the CD.

The allegation against the petitioner is that the petitioner who is evading arrest is responsible for possession of a handmade pistol. It is submitted on behalf of the petitioner that the FIR itself reveals that the live ammunition was not found but fired ammunition was found.

I have scrutinized the CD.

The FIR itself reveals that Handmade pistol was found with the petitioner, and this itself is sufficient to reject the bail application as the import of the section under which the petitioner does not entitle him to anticipatory bail at least at this stage of investigation.

Petitioner's prayer for anticipatory bail is rejected at this stage of investigation.

Send back the Case Diary.

JUDGE

Comparing Assistant