

GAHC010270892023



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

Case No. : AB/4063/2023

SAIFUL @ SAFUL ISLAM AND ANR
S/O- ABDUL HASIM, R/O- VILL- RUPAHI TOWN, P.S. RUPAHIHAT, DIST.-
NAGAON (ASSAM)

2: KISHOR KUMAR
S/O- BHAJUMAN PRASAD
R/O- VILL-GHODASAHAN
P.S. GHODASAHAN
DIST.- PURBI CHAMPARAN (BIHAR)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

23.01.2024

Heard Mr T Chutia, learned counsel for the petitioners, 1) Saiful @ Saful Islam and
2) Kishor Kumar.

2. The petitioners have filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as they are apprehending arrest in connection with Basistha PS Case No. 704/2023, under Section 379 IPC, read with Section 11 (1) (d) of the Prevention of Cruelty to Animals Act, 1960, read with Section 13 (1)/16 of the Assam Cattle Preservation Act, 2021.
3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.
4. It is submitted on behalf of the petitioners that they were not smuggling cattle. The petitioner No. 1 is the owner of the cattle and the petitioner No. 2 is the owner of the vehicle bearing Registration No. BR-06-GB-0476, an HGV Vehicle.
5. The petitioner No. 1 has annexed the receipts of purchasing the cattle as Annexure-2 series.
6. It is submitted that the allegation that the petitioners were illegally transporting the cattle is absolutely false.
7. I have scrutinized the receipts relating to purchasing of the cattle.
8. The petitioner No. 2 has annexed the RC of the vehicle as Annexure-3.
9. I have considered the submissions at the Bar with circumspection.
10. It is submitted that the petitioners have appeared before the IO and they have cooperated with the investigation.

11. It is also submitted that the petitioners have not violated the bail conditions.
12. I have scrutinized the Case Diary.
13. Considering all aspects, the interim order dated 05.12.2023, is hereby made absolute, under the same conditions.
13. Anticipatory Bail Application stands disposed of.
14. Send back the Case Diary.

JUDGE

Comparing Assistant