

GAHC010280352023



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

Case No. : AB/4190/2023

AMZAD HUSSAIN
S/O LATEKHALILUR RAHMAN
R/O VILL- MANDIRA NC, P.S. BOKO
DIST. KAMRUP, ASSAM,
PIN-781136

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M K HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08.01.2024

Heard Mr. M. Alom, learned counsel for the applicant. Also heard Mr. A. Baishya, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Boko P.S. Case No. 580/2023, under Sections 420/406 of the IPC, this application under Section 438 Cr.P.C.

has been preferred by the applicant, namely, Amzad Hussain for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Saddam Hussain and nine others, on 28.11.2023. The essence of allegation made in the FIR dated 28.11.2023, is that the applicant was working as an agent of Nagarbera Samabai Samiti of village Mandira N.C. and he used to collect money for making ration card and also inserting new names in the ration card.

4. Mr. Alom, learned counsel for the applicant submits that the applicant is suffering from an old fracture of his right leg and he is undergoing treatment. Mr. Alom further submits that the case relates to documentary evidence and that he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Baishya, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the applicant, and therefore, Mr. Baishya has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baishya, learned Addl. Public Prosecutor.

7. It appears from the case diary that the applicant was an agent of Nagarbera Samabai Samiti of village Mandira N.C. and because of selling of rice under National Food Security Act, in the black market, his agency was suspended and further, it appears that the I.O. collected sufficient incriminating materials against the applicant. And investigation is still going on and extending

the privilege of pre-arrest bail to the applicant at this stage will misdirect the investigation.

8. In view of the above, this petition stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant