

GAHC010286602023



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

Case No. : AB/4263/2023

ABDUL KADIR
S/O ABDUL MAZID
R/O AMONI AMTAL
P.S.SAMAGURI
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

09.02.2024

1. Heard Mr. S. Munir, learned counsel appearing for the petitioner as well as Mr. D.P. Goswami, learned Additional Public Prosecutor for the State respondent.

2. The petitioner, namely, Abdul Kadir, has filed this application under Section 438 Cr.P.C with prayer for pre-arrest bail as he is apprehending arrest in connection with Samaguri P.S. Case No. 345/2023, registered under Section 120(B)/379/411/285 of the Indian Penal Code and R/W Sec. 7 of E.E. Act.

3. The petitioner has prayed for pre-arrest bail on the grounds of parity as vide order dated 19.11.2023 in AB No. 4113/2023, AB No. 4198/2023 and AB No. 4146/2023, the co-accused have been granted bail. The petitioner was granted interim bail in connection with this present case.

4. I have considered the submissions at the Bar and I have also perused the case diary.

5. The FIR unfolds that on 23.11.2023, the petitioner, owner of Anurag Dhaba illegally unloaded petroleum product from oil tanker for his dhaba and filled the drums with stolen oil and stolen petroleum product and sold it illegally. The investigation team conducted an investigation and proceeded towards the petitioner's dhaba.

6. On reaching, the petitioner's dhaba plastic pipes suspected to be used for stealing from oil tanker was seized and about 1200 litres of petroleum product in three plastic drums were also seized along with some other articles. During preliminary enquiry, it was also unearthed that the petitioner was carrying an illegal business and selling the stolen petroleum product in the black market.

7. It is also submitted on behalf of the petitioner that the petitioner was carrying

business with Akhilesh Prasad, who runs an illegal business of selling petroleum products.

8. Considering the submissions at the Bar and considering that the petitioner has co-operated with the investigation, the interim order dated 20.12.2023 is hereby made absolute under the same terms and conditions. I have considered the submission that the petitioner has not violated the bail conditions.

9. With the above observation and direction, this petition stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant