

GAHC010287662023



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

Case No. : AB/4281/2023

SAMIRAN BISWAS
S/O LT. DAYARAM BISWAS
VILL- MEDHA
P.O. BRAHMANSWASAN,
P.S. NILAMBAZAR
DIST. KARIMGANJ, ASSAM
PIN-788722

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 25-01-2024

Heard Mr. H. R. Choudhury, learned counsel for the applicant and also heard Ms. A. Begum, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Nilambazar P.S. Case No. 158/2023, under Section 120(B)/420/409/379/411 IPC read with Section 7 of the Essential Commodities Act, this application under Section 438 Cr. P. C. is preferred by applicant, namely, Samiran Biswas for grant of pre-arrest bail.

The aforesaid case has been registered on the basis of an FIR lodged by SI Dipjyoti Malakar, on 17.09.2023. The essence of allegation made in the FIR is that one Ramyanshu Bhattacharjee, Angshu Dutta, Nokib Ahmed Choudhury, Abdul Hannan, Ashutos Nath, Moloi Chandra, Keshab Teli, Sumon Kanti Das, Mrinal Singha, Subuth Sarma, Kamlu Kanta Ghose, Samiran Biswas are involved in misappropriation of the PDS rice allotted to the Gandhai Brahmansahan Co-operative Society, located at Lalpool near FCI Godown , under Nilambazar Police Station and the informant alongwith this team seized 140 numbers of rice bag and intercepted one Truck , bearing registration No. NL-01-K-9743, from the premises of the aforesaid co-operative society and another 22 numbers of bag were found in a Magic goods carrier vehicle, bearing registration No. AS-10-AC-7745, which was stationed in front of the godown.

Mr. Choudhury, learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant, vide order dated 20.12.2023, and pursuant to said order, the applicant had appeared before the I.O, and he has been extending cooperation with the investigating agency, and therefore, it is contended to make the interim order dated 20.12.2023, absolute in same terms and condition.

Whereas, Mr. B. Sarma, learned Addl. P.P. has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR and therefore, Mr. Sarma has opposed the petition.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P.

It appears from the case diary that the applicant is an agent of Gandhai Brahmansahan Cooperative Society and in that capacity he had received 18 bags rice which was supposed to be PDS rice, as stated by learned counsel for the applicant, and thereafter, he distributed the same amongst the beneficiaries. Further, it appears that the applicant had appeared before the I.O and cooperating with the investigating agency, as submitted by the learned counsel for the applicant.

In view of submissions of learned Advocates of both sides and also in view of materials collected so far in the case diary, as well as the progress of the investigation, and also in view of the cooperation, being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted herein this case, and accordingly, interim order dated 20.12.2023, is hereby made absolute in the same terms and conditions.

In terms of the above this A.B stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant