

GAHC010289662023



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

Case No. : AB/4289/2023

AZMOL HUSSAIN LASKAR AND ANR
S/O ATAB UDDIN LASKAR
VILL- LAKSHMINAGAR PART-I,
P.O. MONACHERRA
P.S. AND DIST. HAILAKANDI, ASSAM

2: ABDUL WAHID LASKAR
S/O LATE BASHIR UDDIN LASKAR
VILL- LAKSHMINAGAR PART-I
P.O. MONACHERRA
P.S. AND DIST. HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

22.01.2024

Heard Mr. A.M. Barbhuiya, learned counsel for the applicants and Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Hailakandi PS Case No.**

279/2023, under Sections 120[B]/379/411/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Azmol Hussain Laskar and Abdul Wahid Laskar** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Juel Das, on 26.10.2023. The essence of allegations made in the FIR is that on 26.10.2023, at about 10 am, acting on a tip off they have recovered 15 numbers of gunny bags of suspected Burmese Supari from the house premises of Azmol Hussain Laskar and also found 5 bags in an Auto Rickshaw, bearing registration No. AS-24-C-0174, being parked in front of his house.

4. Mr. Barbhuiya, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants, vide order dated 21.12.2023, and pursuant to the said order, the applicants had appeared before the IO and have been cooperating with the investigating agency. Mr. Barbhuiya further submits that the suspected Burmese Suparis are in fact local suparis and the same were cultivated by the applicants and that they are no way involved with the offence alleged in the FIR and therefore, it is contended to make the interim order dated 21.12.2023, absolute in the same terms and conditions.

5. On the other hand Mr. Sharma, learned Additional Public Prosecutor by producing the case diary before this court, submits that the IO has collected sufficient incriminating materials against the applicants. Mr. Sharma further submits that the IO has obtained two reports, one from State Public Health Laboratory and the other one from Department of Agriculture and in the report submitted by the Department of Agriculture it is stated that the sample of the suparis were of not local origin and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I

have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. Considering the submissions of learned counsel for both the parties and also considering the fact that the applicants have been cooperating with the investigating agency and further considering the materials collected so far in the case diary, this Court is inclined to make the interim order dated **21.12.2023**, **absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant