

GAHC010292292023



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

Case No. : Bail Appln./4704/2023

FIROZ AHMED
S/O ABDUL KADIR
R/O VILL- NAKHULAGRANT
P.S. JAGIROAD,
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD B ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 03-01-2024

Heard Mr. A. Alam, learned counsel for the petitioner Firoz Ahmed.

The petitioner has filed this application under Section 439 of the Code of Criminal Procedure (CrPC for short) with prayer for bail as he is behind bars since 09.12.2023 in connection with *Basistha Police Station Case No. 773/2023 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 (Amendment) Act, 2021.

It is submitted that the petitioner is the driver of the vehicle and he was not aware that the cattle transported through his vehicle were allegedly smuggled cattle.

Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent No. 1 State of Assam, who has raised objection against the bail petition due to the rampant smuggling of cattle prevailing around this area.

I have considered the submissions at the bar.

The cattle and the vehicle have also been seized in connection with this case. Investigation appears to have presumably progressed.

I have considered the length of the detention. I have also considered the submission of the petitioner that he will cooperate with the investigation as well as with the trial and that the petitioner is a local resident.

Considering all aspects, this bail application is allowed.

The petitioner is enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M) under the following condition:

That the petitioner shall refrain from such activities with which he is alleged, failing which, bail order shall stand cancelled.

Bail Application stands closed in the above terms.

JUDGE

Comparing Assistant