

GAHC010293142023



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

Case No. : Bail Appln./4685/2023

UMESH RAI
S/O DEVENDRA RAI, PRESENT RESIDENT C/O SRI PRAMOD SINGH,
BORAGAON, NEAR BARAGAON CITY DHABA, BEL GOLLY, GUWAHATI.
PERMANENT ADDRESS BARATI BISANPUR CHAKALE, P.S. RAJAPAKAR,
DIST. BAISHALI, BIHAR.

VERSUS

UNION OF INDIA,
REP. BY G.M., LAW N.F. RAILWAY, MALIGAON, GUWAHATI

Advocate for the Petitioner : MR. H C SARMA

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08-01-2024

Heard Mr. H.C. Sarma, learned counsel for the petitioner *Umeh Rai*, Mr. K.K. Parashar, learned CGC for N.F. Railway.

The petitioner has filed this application under *Section 439 of the Code of Criminal Procedure* as he is behind bars since 01.12.2023 in connection with

RPF/Post/NGC Case No. 28/2023 under Section 3(a) Railway Property (Unlawful Possession) Act corresponding to C.R. No. 58/2023.

I have considered the submissions at the bar.

It is submitted that the petitioner was apprehended while transporting railway scrap materials in the vehicle bearing registration No. *AS-01-CC-3028*. It is submitted that a total quantity more than 100 tons of iron scrap materials were being transported through the vehicle. It is also submitted by the learned CGC N.F. Railway Mr. K.K. Parashar that there are incriminating materials that the petitioner was carrying the scrap materials.

I have considered the submissions on behalf of the petitioner that he was working for the owner of the vehicle and as per the instruction of the owner, he had carried iron scrap materials from the scrap godown (damp) of one Rafiquil Islam.

I have perused the case diary.

Indeed there are incriminating materials that the petitioner was transporting railway scrap materials. However, investigation has progressed to a considerable extent. The petitioner has pledged to cooperate with the remaining part of the investigation. The petitioner is a local resident.

Considering all aspects, petition 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 learned Special Railway Magistrate under the conditions:

- (1) The petitioner shall refrain from such activities with which he is alleged.*

(2) The petitioner shall cooperate with the remaining part of the investigation.

On breach of any of the bail conditions, bail order shall stand cancelled.

Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant