GAHC010167782026

2026:GAU-AS:12856

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

Case No. : Bail Appln./2289/2026

MITHUN KALITA ALIAS JOON KALITA
S/O NAKUL KALITA,VILLAGE ALIKASH,P.S. GOROIMARI,DISTRICT KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE, MR A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

03.09.2026

1. Heard Mr. F. Haque, learned counsel appearing for the petitioner. Also heard Mr. R.J. Baruah, learned APP appearing for the State of Assam.

2. By this application, the petitioner has prayed for pre-arrest bail in connection with Boko Police Station Case No. 178 of 2026, registered under Sections 61(2)(a)/316(3) of the BNS, 2023.

3. The FIR in connection with which the petitioner was arrested was lodged by one Abdul Azad Choudhury on 21.06.2026, stating, inter alia, that he is engaged in the business of betel nuts and that he had loaded betel nuts in the truck owned by accused No. 1, as arrayed in the FIR, and instructed the driver to transport the same to Hatsingimari. The petitioner herein is the driver of the said truck.

4. The informant further stated that on 20.06.2026, the petitioner, along with the owner of the truck and another person, took the truck to another place, where the truck became untraceable. It is alleged that the petitioner, along with the other accused persons, had, pursuant to a pre-planned conspiracy, committed the offence.

5. The learned counsel appearing for the petitioner submits that the betel nuts were recovered from the possession of other persons on the very same day on which the FIR was lodged. He submits that the petitioner, being the driver of the truck, had no role in the disappearance of the betel nuts.

6. Mr. R.J. Baruah, learned APP, upon perusal of the case diary, submits that the petitioner, along with the other accused persons, had unloaded the betel nuts from the truck into smaller vehicles and thereafter delivered the same to other persons.

7. Upon consideration of the submissions made by the learned counsel for the parties, more particularly in view of the fact that the petitioner is merely the driver of the vehicle, this Court deems it fit to enlarge the petitioner on bail on furnishing a bail bond of Rs. 20,000/- with one local surety of the like amount to the satisfaction of the learned JMFC, First Class, Boko, subject to the following conditions:

(i) the petitioner should positively appear before the I.O. as and when

called for,

(ii) the petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iii) the petitioner shall not leave his residence without prior permission of the I.O.

8. Accordingly, this petition is disposed of.

JUDGE

Comparing Assistant