GAHC010034902020

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

Case No. : Bail Appln. 465/2020

1:SANJAY BARMAN AND ANR.
S/O SRI NARESH BARMAN, R/O DOMONPUR, MADHAB NAGAR, P.S. AND DIST-ALIPUR DUWAR (WEST BENGAL), PIN-736121

2: MD. SOHIDUR ALI SHEIKH
S/O JAHER ALI SHEIKH
R/O BICHENDOI
WARD NO. 1
P.S.-GOLOKGANJ
DIST-DHUBRI
ASSAM
PIN-78333

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 27-02-2020

By this application under Section 439 CrPC, petitioners, namely, 1) Sanjay Barman and 2) Md Sohidur Ali Sheikh, who was arrested on 04.02.2020, has prayed for granting him regular bail, in connection with Boko PS Case No. 121/2020, registered under Sections 379/411 IPC, read with Section

21 of the Mines and Minerals (Development and Regulation) Act, 1957.

Heard the learned counsel for both the sides.

Also perused the record and the Case Diary.

Two trucks loaded with coal were apprehended by the Police on the suspicion that the articles were stolen one.

Case Diary reveals that at the time of seizure, certain documents pertaining to the trucks were also seized, such as, RC, insurance certificate, permit, including the invoice, but no document in respect of the coal was found in the vehicle. Now, it is to be noted that the present accused persons were the drivers of the said vehicle and the invoice indicates the name of the consignment and the consignee, but they have not come to claim either the vehicle or the coal seized.

In such a juncture, keeping of the drivers inside the jail is of no avail, when the real culprits are roaming free outside.

Considering all entirety of the matter, each of the accused petitioners, aforesaid, is allowed to go on bail of Rs. 20,000.00 each, with one surety each of the like amount, to the satisfaction of learned CJM, Kamrup.

Bail Application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant