GAHC010088252020

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

Case No. : AB/1596/2020

KHALIL PARAMANIK @ KHALILUR PRAMANIK
S/O- LATE OHED ALI @ WAHED ALI, R/O. VILL- BANIAMARI PART IV, PS- GAURIPUR, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

14-12-2020

This is an application made under **Section 438 Cr.P.C**., seeking pre-arrest bail by the petitioner, namely, **Sri Khalil Paramanik @ Khalilur Paramanik,** in connection with **Gauripur Police Station Case No. 291 of 2020**, (corresponding to GR Case No. 1128/2020), registered **under Sections 379/406/408/409 of the IPC, read with 7 of the Essential Commodities Act, 1955**.

The case diary produced is perused.

Heard Mr. A.A.R. Karim, learned counsel appearing for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor.

It appears from the materials in the case diary that 270 quintals of Grade-A rice in 550 bags were found stored in the house of the present petitioner with FCI stickers on the bags. The case diary clearly makes it appear that he could not explain as to how the aforesaid rice came

to be possessed by him and found in his house. There is no dispute at the Bar that the rice was with FCI stickers.

That being so, in the considered view of this Court, this is not a fit case for grant of the privilege of pre-arrest bail to the petitioner as the entire chain involved in the alleged offences is required to be unearthed during the investigation of this case. That being so, custodial interrogation of the petitioner is essential in this case.

Accordingly, the prayer for pre-arrest bail made by the petitioner is **rejected**.

The interim pre-arrest bail granted to the petitioner vide order, dated 10-08-2020 stands vacated.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant