GAHC010089952020

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

Case No. : Bail Appln. 1280/2020

1:MINAJUL ALI AND ANR.
S/O- MD BAKESH ALI, R/O. VILL- KAHIBARI, PS-BARPETA, DIST-BARPETA, ASSAM, PIN 781352

2: SUBURUDDIN
S/O- LT SIBUR ALI
VILL- KAHIBARI
PS- BARPETA
DIST- BARPETA
PIN- 78135

VERSUS

1:THE STATE OF ASSAM
REP. BY PP ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 17-07-2020

This is a common order for A.B. No. 1653/2020 and B.A. No. 1280/2020 as because both the cases have arisen out of the same police case.

Heard Mrs. T. Som, learned counsel appearing for the petitioners. Also heard Mr. B. B. Gogoi, learned Addl. P.P., Assam, for the State respondent.

On 15.06.2010 a truck bearing registration No. AS-01-CC-0557 containing 400 bags of rice was stopped by police. It was discovered that those bags of rice were brought by Rajiv Das and Kurban Ali. The truck was driven by Suburuddin. Police suspected that those bags of rice were stolen property.

Now, the aforesaid Rajiv Das apprehends that he might be arrested by police. Therefore, he prays for pre-arrest bail by filing the present petition under Section 438 Cr.P.C.

The driver of the truck Suburuddin and the cleaner of the truck Minajul Ali were immediately arrested by police. Therefore they have approached this Court praying for bail under Section 439 Cr.P.C.

It has been submitted on behalf of the petitioner that the petitioners Rajiv Das is a wholesale dealer of rice under the name and style M/s. Das Enterprise at Barpeta. The petitioners contended that he sent those bags of rice which were seized by police. The petitioner has disclosed that he has the proper trade licence. A copy of the trade licence have been filed.

I have considered the matter in its entirety. I find force in the submission made on behalf of the petitioners. Therefore, this Court is in agreement with the petitioner Rajiv Das that he does not deserve to be detained in custody. Hence, it is hereby directed that in the event of arrest of the petitioner, namely, Rajiv Das in connection with Ghograpar P.S. Case No. 268/2020 registered under Sections 420/468/379/411/120B IPC, he shall be released on bail on furnishing a bail bond of Rs. 10,000/- (ten thousand) with one suitable surety of the like amount to the satisfaction of the Arresting Authority.

For the petitioners, namely, Md. Minajul Ali and Suburuddin, this Court is of the opinion that they do not deserve to be detained in custody any more. Accordingly, it is hereby directed that Md. Minajul Ali and Suburuddin shall be released on bail on furnishing a bail bond of Rs. 10,000/- (ten thousand) each with one suitable surety of the like amount to the satisfaction of the learned CJM, Nalbari.

The bail application stands disposed of.

JUDGE

Comparing Assistant