GAHC010110812020

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

Case No. : AB 2051/2020

1:MOFIDUL ALI
S/O SHOLTAN ALI,
RESIDENT OF VILLAGE AGDIA PATHAR, PS SARTHEBARI BARPETA,
ASSAM

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MD A S AHMED

Advocate for the Respondent : PP, ASSAM

Linked Case : AB 1871/2020

1:RAHUL AMIN
S/O LATE KHALEQUE MIYA
R/O VILL. AGDIA PATHAR
P.S. SARTHEBARI
DIST. BARPETA
ASSAM.

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY PP
ASSAM.

Advocate for the Petitioner : MR. S MUNIR
Advocate for the Respondent : PP
ASSAM

Linked Case : AB 2040/2020

1:IDRISH ALI
S/O. AMZAD ALI
VILL. AGDIA PATHAR
VILL. AGDIA PATHAR
P.S. SARTHEBARI
DIST. BARPETA
ASSAM.

VERSUS

1:THE STATE OF ASSAM
REP. BY PP
ASSAM.

Advocate for the Petitioner : MD A S AHMED
Advocate for the Respondent : PP
ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 30-09-2020

This is a common order for these three bail applications as all the three bail applications has arisen out of the same police case.

Heard Mr. S. Munir, learned counsel appearing for the petitioner. Also heard Mr. H. Sarma, learned Addl. P.P., Assam, appearing for the State respondent.

The petitioners, namely, Mofidul Ali, Rahul Amin and Idrish Ali have filed these applications under Section 438 Cr.P.C. praying for pre-arrest bail in the matter of Dhubri P.S. Case No. 365/2020

under Sections 406/420/379 of the IPC.

The informant has alleged that his truck that was driven by Anowar Khan was found abandoned near Caltex. The driver was not found there. The owner of the truck has stated that the goods carried by the truck were also missing. The truck carried 54 cartons of cigarette, 2 cartons biscuits and one carton of potato chips.

The allegations against the present petitioners is that they had purchased some packets of cigarettes from Moslem Ali and Barek Ali. The petitioners are pretty shop keepers. I find that there are no sufficient materials to justify detention of the petitioners in custody. Therefore, their pre-arrest bail application are allowed.

Accordingly, the interim bail order dated 25.08.2020 passed in A.B. No. 2051/2020, the interim bail order dated 04.08.2020 passed in A.B. No. 1871/2020 and the interim bail order dated 25.08.2020 passed in A.B. No. 2040/2020 are made absolute, subject to the condition that they will appear before the Investigating Officer as and when called for.

The bail applications are disposed of.

JUDGE

Comparing Assistant