GAHC010158372020

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

Case No. : Bail Appln./2428/2020

SANJAY SHAW AND 3 ORS.
S/O DILIP SHAW, R/O KARL MARX SARANI, WARD NO. 49/5, HOUSE NO. 20,
P.S.-SOUTH PORT, CIRCUS AVENUE, KOLKATA, WEST BENGAL, PIN-700023

2: ABHISHEK KR. GUPTA
S/O SRI M.P GUPTA
R/O KARL MARX SARANI
WARD NO. 48B/H/27
P.S.-SOUTH PORT
CIRCUS AVENUE
KOLKATA
WEST BENGAL
PIN-700023

3: RAJA KUMAR PRASAD
S/O REEPU SUDAN PRASAD
R/O KARL MARX SARANI
WARD NO. 49/5/H/47
P.S.-SOUTH PORT
CIRCUS AVENUE
KOLKATA
WEST BENGAL
PIN-700023

4: MD. PARVAIZ
S/O MD. TAHIR
R/O MOULANA MD. ALI ROAD
KMC
11/H/1/10
P.S.-EKBALPUR
KHIDDIRPORE
KOLKATA
WEST BENGAL
PIN-70002

VERSUS

UNION OF INDIA
REPRESENTED BY THE STANDING COUNSEL, DIRECTORATE OF REVENUE INTELLIGENCE

Advocate for the Petitioner : MR. R K MEDHI

Advocate for the Respondent : SC, DRI

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 23.11.2020

Heard Mr. SM Mollah, learned counsel appearing for the accused petitioners and Mr. B Sarmah, learned Standing Counsel appearing for the respondent Union of India.

By this petition under Section 439 Cr.P.C., the petitioners, namely, **1. Sanjay Shaw, 2. Abhishek Kr. Gupta, 3.Raja Kumar Prasad and 4. Parvaiz** have prayed for bail in connection with **DRI Case No.06/CL/IMP/GOLD/DRI/GZU/2020-2021** u/s 135 of the Customs Act**.**

Mr. JM Mollah, learned counsel appearing for the accused petitioners, submits that the petitioners are behind the bar for 61 days and therefore, considering the length of detention, their prayer for bail may be granted.

Mr. B Sharmah, learned Standing Counsel, DRI has not opposed the bail application.

The allegation against the petitioners in the present case is that on 23.09.2020, on the basis of secret information, the informant along with other officers of Directorate of Revenue Intelligence, Guwahati Zonal Unit searched Goho Complex near Ulubari Flyover in the room of the petitioners and recovered in total 40 nos. of gold bars and cash amount of Rs.18,250/-.

On hearing the learned counsel of both sides and on perusal of the averments made in the bail application and considering the fact that the petitioners have been detained for 61 days beyond the statutory period of 60 days. Therefore, considering the only ground of their length of detention, further detention of the accused petitioners is not required in the interest of the ongoing investigation.

Accordingly, it is provided that each of the the accused petitioners, named above, shall be released on bail of **Rs.30,000/-** with one local suitable surety of the like amount to the satisfaction of the learned **CJM, Kamrup (M), Guwahati,** subject, of course, to the following conditions:

1. That the accused petitioners shall co-operate in the investigation as and when required;

2. That the accused petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts either to the Court or to any police officer; and.

3.That the accused petitioners shall not commit any similar offence, of which they are suspected of commission

With the above directions, the bail application stands disposed of.

JUDGE

Comparing Assistant