



ORDER-SHEET

DISTRICT: Sonitpur.

Present: Smti Mili Hussain, L.L.M, AJS

Addl. Sessions Judge, Sonitpur, Tezpur.

Misc CrI(B) Case No. 257/2026 [i/c Missamari PS Case No. 63/26 u/s 305(b)(c)(e)/
303(2)/306/317(2)(5) of BNS]

Serial No. of Orders	Date	Order	Signature
	14.08.2026	Bail petitioner represented. CD received. I have heard both the sides and also perused the case diary. This is a prayer filed by the petitioner Rajen Chowdhury (u/s 483 BNSS), supported by his sworn statement; praying to enlarge accused Shyam Chowdhury and Saroj Kumar on bail. Brief facts of the prosecution case at the foremost. This is a case of oil theft against the driver and the owner of a car washing centre. In pursuance to Missamari PS GDE no.07 & 10 dated 15.07.26 information recorded that an oil Tanker bearing Registration No. WB-73-F-2833 was illegally transferring oil through pipe into few drums of "Shyam Washing Centre". Four plastic drums (approx 200 lit capacity) and two small drums (approx 30/40 lit) containing diesel along with two plastic pipes got seized. When owner was interrogated he divulged that the	



	14.08.2026	oil tanker just left after unloading. Subsequently the oil tanker was intercepted with driver Saroj Kumar and was taken to IOCL Missamari Depot for measurement. The drums containing suspected diesel were brought to Police Station in an aother vehicle with other suspected article s and kept at Malkhana. Hence, this Missamari PS Case No. 63/26 u/s 305(b)(c)(e)/ 303(2)/306/317(2)(5) of BNS. Learned Addl PP N.K. Mishra objected. Learned engaged Counsel submitted that the accused has been implicated falsely and that the investigating agency has violated the guidelines of the Hon'ble Supreme Court of India and violated Article 22 of oil Constitution. Learned Counsels relied on Hon'ble Gauhati High Court in Bail Appln No. 1717/2026 and submitted that Seizure list (MR 55/26) shows date and time of seizure as 15.7.26 at 2P.M, arrest Memo shows date and time of arrest as 15.7.22 at 5.30 P.M but the accused persons were produced before Court after expiry of twenty four hours. When this Court perused the C.D, it appears there is sufficient progress in investigation. On appraisal of the seizure list,	
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	14.08.2026	arrest Memo, certified Copy of order sated 16.7.26 whereby the accused persons were produced before learned Court of JMFC upon arrest, reveals the time of seizure as 15.7.26 at 2P.M , date of production on 16.7.26 at 4.55P.M. Hon'ble Supreme Court in Niranjn Singh Vrs Prabhakar Rajaram Kharote (1980)2SCC 559 answers the question that when the accused persons were in physical hold of an officer, he is in custody within the, meaning of Section 439 Cr.P.C. In view of materials available in C.D; this Court is inclined to grant bail to the accused persons. Considered materials available in the case diary and progress of investigation and all aspects, accused persons are allowed to go on bail of Rs. 30,000/- with two fit sureties of like amount, by each, in default to hazot; to the satisfaction of the learned Elaka Magistrate on following conditions, in default to go to hazot: i. The accused persons shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of this case so as to dissuade him/her from disclosing such fact to the Investigating Officer.	
	14.08.2026		



		ii. The accused persons shall not tamper with evidence of this case. iii. The accused persons shall appear before the Investigating Officer on next day of his release and shall co-operate in Investigation, iv. Accused persons shall not commit any offence while on bail, v. Accused persons shall not leave the jurisdiction of this Court without taking permission of the Court. Send back the case diary with a copy of this order. Send a copy of this order to Jail Authority. Inform all concerned. This Misc CrI(B) case stands disposed off.	
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