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

Case No. : AB/3033/2024

NURUL ISLAM
S/O MLKACHED ALI
R/O SATRAKANARA
P.O. SATRAKANARA
P.S. BAGHBOR
DIST. BARPETA, ASSAM
PIN-781308

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN, MR. R P SARMAH, MR M KHAN, MR A.K. MOLLAH, MR. R I MONDAL

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 13.12.2024

Heard Mr. R. P. Sarma, learned Senior Counsel assisted by Mr. M. Hussain, learned counsel for the petitioner. Also heard Ms. S. H. Borah, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for the grant of pre-arrest bail to the accused/petitioner in connection with Garchuk P.S. Case No. 345/2024 under Sections 281/ 132/ 303(2)/61(2)/317(2)/3(5) of the BNS, read with Section 7 of the Essential Commodities Act, 1955.

The Case Diary has been received, and I have perused the same.

It is submitted by Mr. Sarma, learned Senior Counsel, that the petitioner is innocent and is in no way connected to the alleged offence. He is the registered owner of the vehicle that was intercepted, along with some bags of rice, at the time of the incident with the driver. He had given the vehicle on a hire agreement and has no knowledge about the loading of PDS rice into his vehicle. Furthermore, he submits that the owner of the rice has already been granted interim pre-arrest bail in connection with this case, considering that he was the genuine purchaser of the rice. Therefore, the petitioner prays for the grant of interim pre-arrest bail and submits that he is ready to co-operate with the investigation of this case if the privilege of pre-arrest bail is granted.

In this context, Ms. Borah, learned Additional Public Prosecutor, has submitted that at this stage, the petitioner may be granted the privilege of pre-

arrest bail so that he can appear before the I.O. and produce all relevant documents during the investigation of the case to prove his ownership.

Considering the submissions made by the learned counsels for both sides, as well as the entire aspect of the case, I find it a fit case to grant the privilege of interim pre-arrest bail to the accused/petitioner, till receipt of the case diary.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Nurul Islam, in connection with Garchuk P.S. Case No. 345/2024 under Sections 281/132/303(2)/61(2)/317(2)/3(5) of BNS read with Section 7 of the Essential Commodities Act, 1955, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer within 7(seven) days.
- (ii) that the petitioner 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 to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the concerned jurisdictional Magistrate, without prior permission.

In the meantime, call for the Case Diary.

List the matter again on **27.01.2025.**

JUDGE

Comparing Assistant