

GAHC020005352025



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

Case No. : AB/22/2025

SHRI AAJAD ALI
S/O SHRI BUBU ALI, PERMANENT RESIDENT OF BALIMARA MARAN
GOAN, JORHAT ASSAM

VERSUS

STATE OF NAGALAND
NAGALAND KOHIMA

Advocate for the Petitioner : SENTIYANGER,
KEVISERIENUO, YUKHAKOKLA, MAONGKALA, NOCKLEI M
KONYAK, WAPANGLEMLA, KONLI BUCHEM, V ANNE THERIE

Advocate for the Respondent : P.P, NAGALAND,

**BEFORE
HON'BLE MR JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 21.08.2025

- 1.** Heard Mr. Nocklei M. Konyak, the learned counsel for the petitioner. Also heard Ms. Livika, the learned Public Prosecutor appearing for the State of Nagaland.
- 2.** The application under Section 482 of BNSS, 2023, has been filed by the petitioner, namely, Shri Aajad Ali, who is appending his arrest in connection with FIR No. 22/2025 dated 19.07.2025 in connection with GDE No. 05/2025 under Section 44 (a) NLTP Act 1989.

- 3.** The gist of accusation in this case is that on 22.07.2025, one THC, Imrongsashi had lodged an FIR before the Officer-in-Charge of Mangkolemba Police Station, *inter-alia*, alleging that on 19.07.2025, an information was received from reliable sources that one Bolero pick up van bearing Registration No. AS-03CC-7122 would be carrying consignment of banned IMFL, and would be proceeding towards Mokokchung. Accordingly, a search team was constituted and the said vehicle was intercepted. At the time of the search of the said vehicle, it was found that one Dawal Das was driving the said vehicle and different brands of IMFL was recovered from the said vehicle.
- 4.** The learned counsel for the petitioner has submitted that the petitioner was engaged as driver of the seized vehicle and he used to pay Rs. 1,000/- per day to the owner for using that vehicle. However, on the day when the vehicle was seized, one Anurag had requested the owner to give the vehicle to him on rent as he has to carry some vegetables from Jorhat to Mokokchung. It is submitted by the learned counsel for the petitioner that on the date of seizure of the vehicle the petitioner was not driving the said vehicle, as he was not well. It was driven by one Dawal Das, who was engaged by Anurag.
- 5.** The learned counsel for the petitioner submits that the petitioner has not been named in the FIR and neither he was found at the time of seizure of the said vehicle. He further submits that the petitioner is ready to cooperate in the investigation, however, as Anurag to whom the owner of the vehicle had allowed to take his vehicle has already been arrested, hence, the petitioner is also apprehending that he may also be arrested in this case as his name may be falsely implicated by the arrested accused.

6. On the other hand, Ms. Livika, the learned Public Prosecutor has prayed for calling of the case diary.
7. The prayer is allowed.
8. Let the case diary be called for.
9. However, in the meanwhile, considering the submissions made by the learned counsel for the petitioner, as discussed in the foregoing paragraphs, the above-named petitioner is directed to appear before the Investigating Officer of the above-mentioned case within a period of seven days from the date of this order and cooperate in the investigation. If he does so within the stipulated period of time, in the event of his arrest in connection with the above-mentioned case, he shall be allowed to go on interim bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the arresting authority with the following conditions:-
 - i. The petitioner shall co-operate in the investigation,
 - ii. The petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to other person who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.
10. Let this matter be listed **on 12.09.2025 for case diary.**

Sd/-

JUDGE

Comparing Assistant