

GAHC020005362025



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

Case No. : AB/23/2025

SHRI PRITAM GUPTA
S/O KALIDASH GUPTA, PERMANENT R/O MARIANI, HULUNG GURI
GRANT, 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.** This application under Section 482 of BNSS, 2023, has been filed by the petitioner, namely, Shri Pritam Gupta, who is apprehending 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 is the owner of the seized vehicle and he had engaged one driver, namely, Aajad Ali, who used to pay Rs. 1,000/- per day to the petitioner, for using that vehicle.
- 5.** It is submitted by the learned counsel for the petitioner that on the day when the vehicle was seized, one Anurag had requested the petitioner to give the vehicle to him on rent as he has to carry some vegetables from Jorhat to Mokokchung.
- 6.** The learned counsel for the petitioner submits that accordingly, the vehicle was given to said Anurag, who arranged his own driver. He has submitted that the petitioner was not knowing that the banned IMFL would be carried in his vehicle. He further 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 and the petitioner has already appeared before the Investigating Officer on two occasions, however, he has been again called by the Investigating Officer.

- 7.** The learned counsel for the petitioner has submitted that one Anurag to whom the petitioner had allowed to take his vehicle has already been arrested, hence, he is apprehending that he may also be arrested in this case.
- 8.** On the other hand, Ms. Livika, the learned Public Prosecutor has prayed for calling of the case diary.
- 9.** The prayer is allowed.
- 10.** Let the case diary be called for.
- 11.** 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.

12. Let this matter be listed **on 12.09.2025 for case diary.**

Sd/-

JUDGE

Comparing Assistant