

GAHC010037232024



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

Case No. : AB/474/2024

PRONOJIT DAS
S/O PRANKRISHNA DAS
R/O VILL- GHURAMARA, P.O. CHAITANYANAGAR, P.S. BADARPUR, DIST.
KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

04.03.2024

Heard Mr. M.H. Laskar, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely, Pronojit Das, who has been apprehending arrest in connection with Karimganj P.S. Case No.988/2023, under Section 120B/143/333/332/186/353/307/294/392 IPC, read with Section 13/14 of the Assam Game and Betting Act, read with Section 53(1)(a) of the

Assam Excise Act, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by S.I. Dulu Boro on 30.12.2023. The essence of allegation made in the aforesaid FIR is that acting on a tip off the informant and other police staff visited Bagargul Bazar under Kaliganj and found selling of illegal liquor in the shop of one Jay Hari Das and also found some persons involved in gambling in the said shop and seeing police party, the owner along with other people, playing game (Dice and Board), started running and managed to escape, however, they have apprehended two persons, namely, Amiya Paul and Rajesh Paul from the shop of Jay Hari Das and recovered some bottles of Indian made foreign liquor and seized the same in presence of witnesses and thereafter, while they conducted raid in another shop, then around 20/30 people assembled there unlawfully with criminal conspiracy and physically assaulted the informant and his staff, so as to deter them from discharging their lawful duties and rebuked them with abusive words.

4. Mr. Laskar, learned counsel for the applicant submits that one of the co-accused has already been granted the privilege of pre-arrest bail by this Court vide order dated 02.02.2024 in AB No.255/2024 and that the present applicant also stands in the same footing and that he is also ready to cooperate with the investigating agency and that the applicant has one pharmacy in the aforesaid bazar and at the relevant point of time he was in his shop and no way involved with the offence alleged in the FIR and therefore, it is contended to allow this petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR and therefore, Mr. Sarma has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. In view of the materials collected so far in the case diary and the stage of investigation as well as the fact that one of the co-accused has already been granted the privilege of pre-arrest bail by this Court vide order dated 02.02.2024 in AB No.255/2024, this Court is inclined to grant the privilege of pre-arrest bail to the present applicant also. Accordingly, it is provided that in the event of arrest of the applicant, namely, Pronojit Das, in connection with Karimganj P.S. Case No.988/2023, under Section 120B/143/333/332/186/353/307/294/392 IPC, read with Section 13/14 of the Assam Game and Betting Act, read with Section 53(1)(a) of the Assam Excise Act, he shall be enlarged on pre-arrest bail on his executing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required.
 - (ii) The applicant 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) The applicant shall not leave the jurisdiction of the learned C.J.M., Karimganj, without prior permission.
8. In terms of above, this anticipatory bail application stands disposed of.
9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant