

GAHC010099592022



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

Case No. : Bail Appln./1175/2022

NARESH RAY AND 2 ORS
S/O SRI CHEYALI RAY
R/O RAJAPAKOR VILLA
P.S. RAJAPAKOR
DIST. BAISHALI, BIHAR

2: SANJAY RAY
SON OF LAKSHMI RAY
R/O BOJAHIA
P.S. DARIYAPUR
DIST. SARAN
BIHAR

3: RAKESH CHOUDHURI
S/O JAMUN CHOUDHURI
R/O BRAHMPUR
P.S. MADUWAPUR
DIST. MADHUBANI
BIHAR

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H ALI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 31-05-2022

Heard Mr. H. Ali, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

This application under Section 439 Cr.P.C. is preferred by accused petitioners 1. Naresh Ray, 2. Sanjay Ray and 3. Rakesh Choudhuri who have been languishing in jail hazot in connection with Basistha P.S. Case No. 441/2022, U/S 379/34 IPC since 21.4.2022, for grant of bail . The allegation against them, as it appears from the FIR, is that they have been found carrying coal in three trucks bearing No. AS 01-EL-6797, AS-01-2971 and AS-01- EC -1563 under Jorabat Flyover, without any documents.

Mr. Ali learned counsel for the petitioner submitted that the accused are behind the bar for last 40 days. It is further submitted that it is a fact that the accused person could not produce any document for carrying coal in their vehicle as it was a short trip and therefore, no documents were provided to them. Mr. Ali further submits that the accused have cooperated with the Investigating agency and they are innocent therefore it is contended to allow the bail petition.

On the other hand, Ms Das, learned Addl. P.P., producing the case diary before the court submits that statement of all the accused have been recorded and that investigation is about to complete and their further custodial detention is not warranted in the interest of investigation.

Considering the submissions of learned Advocates of both sides and

further considering the nature of accusation and the punishment prescribed for the same and also considering the period of their detention in jail hajot, as well as the stage of investigation, this court is inclined to allow this bail petition.

Accordingly, it is provided that on furnishing a bond of Rs.20,000/- each, with one surety of like amount, to the satisfaction of the learned CJM, Kamrup (M), the accused persons named above be enlarged on bail.

The Bail Application stands disposed of in terms above.

Case Diary be sent back.

JUDGE

Comparing Assistant