

Misc. Crl. (bail) Case No.396/2020

17-11-2020

Seen the petition filed U/s.439 of Cr.P.C. seeking bail for accused Suman Dey and Asis Pal who was arrested and detained in Tezpur jail Hazot since 04.11.2020 in connection with Tezpur P.S. case No. 2084/2020 (corresponding G.R. Case No. 3361/2020) U/s 53(1-a) of the Assam Excise Act 2018.

Case diary, as called for, has been received and perused the same. Also heard Id. Counsel for both the sides.

Brief fact of the case is that on 3-11-20 at about 6 p.m. an information was received by police that one Sri Subal Dey is selling various types of wine illegally to the students of Tezpur University and also to some other customers and he thereby destroyed the local environment. Based on this information a raid was conducted in the house of the said person and a lot of wine bottles were also seized. The aforesaid accused persons were arrested in connection with this case.

On perusal of the case diary it appears that both of them have been languishing in jail since 4-11-20 and the investigating officer has recorded the statement of around four witnesses in this case. However, on perusal of the materials available in the case diary I am of the considered view that custodial detention of the aforesaid accused persons cannot be said to be necessary in connection with this case as 107 Nos. of wine bottles contained in 4 Nos. of cartons have already been seized and a seizure list have also been prepared. Therefore, in my considered opinion, release of the accused persons at this stage is not likely to adversely affect the investigation of the case.

Consequently, both the accused persons are allowed to go on bail of Rs.10,000/- (Rupees ten thousand) only each with one surety of like amount to the satisfaction of the Ld. Elaka Magistrate on condition that both of them shall extend all necessary cooperation to the investigating officer whenever asked to do so.

Let the case diary be sent back.

Misc. case stands accordingly disposed of.

(N. Akhtar)
Additional Sessions Judge
Sonitpur, Tezpur