

**Misc.(Bail) Case No. 07 of 2022.**

**18.01.2022.**

This Bail Petition filed for the accused person namely Sushil Haldar, u/s- 439 Cr.P.C in connection with Biswanath Chariali P.S Case No. 467/21, u/s- 120(B)/420/468, IPC r/w sec. 53(1)(a) of Assam Excise Act, is taken up for further hearing as the called for case diary is received.

Heard the learned counsel appearing for the accused as well as learned Addl. P.P. and carefully perused the materials available in the case diary.

The Facts leading to filing of the instant bail petition u/s- 439 of Cr.P.C in brief are that on 31-12-2021 at 2.30 A.M, on the basis of the some information received in Biswanath Chariali Police Station, vide Biswanath Chariali GDE No. 603, dated 31-12-2021, police personnel of Biswanath Chariali Police Station intercepted one container truck bearing registration No. UP21-CN/8521 and during the search, recovered some Beer (IMFL). In the interrogation, though the driver said that all the recovered IMFLs were made in Arunachal Pradesh and were carrying to West Agartola, Tripura, he failed to produce any valid documents regarding transportation of the said IMFL through Assam. Therefore suspecting that the recovered IMFL were brought to Assam for selling illegall, SI, Jiten Deka of Biswanath Chariali P.S, lodged an ejahar giving rise of Biswanath Chariali P.S Case No. 467/21, u/s- 120(B)/420/468, IPC r/w sec. 53(1)(a) of Assam Excise Act and thereafter the accused Sushil Haldar was arrested and forwarded to the court. Thus since 31-12-2021, he has been in judicial custody.

It is submitted on behalf of the accused Sushil Haldar that he is totally innocent.

Now, on perusal of the case diary, it is found that the registration Number of the container truck is NL-01Q-6873 and the recovered IMFL are Royal Stage and not beer.

Considering the materials so far collected by the I.O, it is found that further detention of the accused is not necessary for the investigation of the case.

Therefore, the accused Sushil Haldar is allowed to go on bail of Rs. 10,000/- with a suitable surety of like amount to the satisfaction of the learned Elaka Magistrate.

Send back the C/D.